

TITLE 7

BUILDINGS AND CONSTRUCTION

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TITLE 7

BUILDINGS AND CONSTRUCTION

CHAPTER 1

BUILDING AND BUILDING REGULATIONS

ARTICLE 1

IN GENERAL

§ 7-1-1. SCOPE.

The provisions of this Chapter shall govern the administration and enforcement of the Standard Building, Gas, Mechanical and Plumbing Codes, and the National Electric Code, hereinafter referred to as the *technical codes*, as are adopted in Article 7 herein.

§ 7-1-2. TITLE.

The provisions embraced within the following articles and sections shall constitute and be known and may be cited as *The Building Code of Augusta-Richmond County*, hereinafter referred to as *this building code*.

§ 7-1-3. CODE REMEDIAL.

(a) *General*. This building code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

(b) *Quality control*. Quality control of materials and workmanship is not within the purview of this building code except as it

related to the purposes stated herein.

(c) *Permitting and inspection.* The inspection or permitting of any building, system or plan by any jurisdiction, under the requirements of this building code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

§ 7-1-4. APPLICABILITY.

(a) *Generally.* Where, in any specific case, different sections of this building code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Building.* The provisions of the Standard Building Code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(c) *Electrical.* The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(d) *Gas.* The provisions of the Standard Gas Code shall apply to the installation of consumers' gas piping, gas appliances and related accessories as covered in this building code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.

(e) *Mechanical.* The provisions of the Standard Mechanical Code shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

(f) *Plumbing.* The provisions of the Standard Plumbing Code shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixture, fittings and appurtenances, and when connected to a water or sewerage system.

(g) *Federal or state authority.* The provisions of this building code shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this building code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

(h) *Appendices.* To be enforceable, the appendices included in the technical codes must be referenced in the code text or specifically included in the adopting ordinance.

(i) *Referenced standards.* Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

§ 7-1-5. ALTERATION OR REPAIR OF EXISTING BUILDING.

Alterations or repairs to existing buildings shall be governed by the Standard Housing Code.

§ 7-1-6. CHANGE IN OCCUPANCY OF EXISTING BUILDING.

If the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of this building code for the new occupancy. If the occupancy of only a portion of an existing building is changed and that portion is separated from the remainder of the building, then that portion must be made to conform pursuant to applicable building codes.

§ 7-1-7. RESERVED.

§ 7-1-8. PREFERENTIAL CLASSIFICATION AND ASSESSMENT OF LANDMARK HISTORIC PROPERTY.

Property in Augusta-Richmond County, Georgia, may qualify as landmark historic property and be eligible to receive the preferential assessment provided for in section (c.1) of O.C.G.A. § 48-5-7.

§ 7-1-9. INSTALLATION OR MAINTENANCE BY HOMEOWNER.

Nothing in this building code shall prevent a homeowner from installing electrical, mechanical or plumbing systems or maintaining his home within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this building code, nor is it construed as exempting any such property owner from obtaining a permit, paying required fees and requesting inspections.

§ 7-1-10.--§ 7-1-15. RESERVED.

ARTICLE 2

STRUCTURAL STANDARDS AND REQUIREMENTS

§ 7-1-16. TECHNICAL CODES--ADOPTED BY REFERENCE.

The following codes as promulgated by the State of Georgia through the Department of Community Affairs are hereby adopted and incorporated by reference effective April 1, 1996. (Several have been in effect since October 1, 1995).

Adoption of the codes and appropriate appendices; codes that are amended by the State of Georgia are so denoted:

<u>Code</u>	<u>Edition</u>	<u>GA</u>	<u>Adopted</u>
<u>AMEND Appendices</u>			

Georgia Mandated Codes

Standard Building Code	1994	*	A, C, D, F, H
Standard Plumbing Code	2000	*	A,B,C,D,E,F,G,I,J
Standard Gas Code	2000	*	A, D, E
Standard Mechanical Code	2000	*	A, C
National Electric Code	1996	*	
Standard Fire Prevention Code	1994	*	B, C, D
CABO 1 and 2 Family			
Dwelling Code	1995	*	A, D, E, F

Georgia Optional Codes

Standard Unsafe Building

Abatement

CABO Model Energy Code	1995	*
Standard Housing Code	1994	
Standard Swimming Pool Code	1994	*

(Ord. # 6359, February 21, 2001.)

The building and inspection department shall be responsible for the administration and enforcement of the above codes adopted by reference.

Any person or persons failing to comply with the provisions of the above codes in Augusta-Richmond County shall be guilty of an offense and upon trial as a misdemeanor and conviction, shall be punished as provided in § 1-6-1 of this Code.

§ 7-1-17. SAME--CONFLICTS WITH CHAPTER PROVISIONS.

All provisions in this chapter in conflict with any provisions of the codes adopted in § 7-1-16 shall govern and control, and the conflicting provisions of the adopted codes shall be repealed.

§ 7-1-18. DELETED (Ord. #6176 July 6,1999).

§ 7-1-19.--§ 7-1-25. RESERVED.

ARTICLE 3

LICENSE AND INSPECTION DEPARTMENT

§ 7-1-26. ESTABLISHED.

There is hereby established a department, to be called the *License and Inspection Department*.

§ 7-1-27. EMPLOYEE QUALIFICATIONS.

(a) *Director-Building Official qualifications.* The person in charge of the License and Inspection Department shall be known as the *Director-Building Official*. The Director-Building Official shall have had at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Director-Building Official shall be certified as a building official through a recognized certification program. The Director-Building Official shall be appointed or hired by the Augusta-Richmond County Commission and shall not be removed from the office except for cause after full opportunity has been given to be heard on specific charges before the Commission.

(b) *Manager of Construction qualifications.* The Director-Building Official, with the approval of the applicable governing authority, may designate a *Manager of Construction* to administer the provisions of the Building, Electrical, Gas, Mechanical and Plumbing codes. The Manager shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Manager should be certified at a minimum as a building inspector through a recognized certification program. The Manager shall also be known as *Chief Inspector* and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before the Commission.

(c) *Inspector qualifications.* The Director-Building Official, with the approval of the chief appointing authority, may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time. A person shall not be appointed as inspector of construction who has not had at least five (5) years' experience as an building inspector, engineer,

architect, or as a superintendent, foreman, or competent mechanic in charge of construction. The inspector should be certified, through a recognized certification program for the appropriate trade.

§ 7-1-28. RESTRICTIONS ON EMPLOYEES' BUSINESS INTERESTS.

An officer or employee connected with the department, except one whose only connection is as a member of the board established by this building code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

§ 7-1-29. RECORDS AND REPORTS.

(a) The Director-Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

(b) The Director-Building Official shall annually submit a report to the Augusta-Richmond County Administrator covering the work of the department during the preceding year. He may incorporate in said report a summary of the decisions of the Construction Advisory Board during said year.

§ 7-1-30. LIABILITY, DEFENSE OF EMPLOYEES FOR ACTIONS TAKEN IN THE COURSE OF THEIR DUTIES.

Any officer or employee, or member of the Construction Advisory Board, charged with the enforcement of this building code, acting for the governing body in the discharge of his duties, shall not thereby render himself liable personally; and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this building code shall be defended by the Augusta-Richmond County attorney until the final termination of the proceedings.

§ 7-1-31. POWERS AND DUTIES OF DIRECTOR-BUILDING OFFICIAL.

(a) The Director-Building Official shall enforce the provisions of this building code, and is authorized to render interpretations of this building code which are consistent with its spirit and purpose. The Director-Building Official's powers shall include, but not be limited to, the following:

(1) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this building code, or whenever the Director-Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director-Building Official by this building code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

When the Director-Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director-Building Official, or his designer, for the purpose of inspection and examination pursuant to this building code.

(2) *Inspections.* The Director-Building Official may make, or cause to be made, the inspections required by this building code.

(3) *Tests.* The Director-Building Official may require tests or test reports as proof of compliance. Tests, if required, are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of such test reports or the results of all such tests shall be kept on file in the office of the Director-Building Official.

(4) *Stop work orders.* Upon notice from the license and inspection department, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this building code or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the license and inspection department.

(5) *Revocation of permits.*

a. The Director-Building Official may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

b. The Director-Building Official may revoke a permit upon determination by the Director-Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this building code.

§ 7-1-32. REQUIREMENTS NOT COVERED BY CODE.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the license and inspection department.

§ 7-1-33. ALTERNATE MATERIALS AND METHODS.

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Director-Building Official. The Director-Building Official shall approve any such alternate, provided the Director-Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Director-Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

§ 7-1-34.--§ 7-1-45. RESERVED.

ARTICLE 4

CONSTRUCTION ADVISORY BOARD

§ 7-1-46. CREATED.

There is hereby created the Augusta-Richmond County Construction Advisory Board, which shall consist of ten (10) members. The Board shall serve in an advisory and mediation capacity only, and all members shall be appointed by the Augusta-Richmond County Commission and shall serve at the pleasure thereof. (Ord. # 6308, October 3, 2000)

§ 7-1-47. COMPOSITION.

The Board shall be composed of the following:

- (a) One (1) licensed electrical contractor;
- (b) One (1) master plumber;
- (c) One (1) licensed HVAC contractor;
- (d) One (1) commercial contractor;
- (e) One (1) residential contractor;
- (f) One (1) architect;
- (g) One (1) electrical engineer.
- (h) One (1) consulting engineer.
- (i) One (1) consumer member- Super District 9; and
- (j) One (1) consumer member- Super District 10.

Members, other than the initial members, shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the amount of which the original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Commission, render any such member liable to immediate removal from office.

The Augusta-Richmond County employee holding the position of Director-Building Official of the License & Inspection Department shall be responsible for all administrative duties and support to the Advisory Board. The Director-Building Official, Building Inspectors, Planning Commission Director, Utilities Department Director, Public Works Director, and Fire Chief, employed by Augusta-Richmond County shall serve in an advisory capacity as non-voting, ex-officio members of the Advisory Board.

At its first meeting of each calendar year, the Construction Advisory Board shall elect one (1) of its members as Chairman and one (1) of its members as Vice-Chairman to serve during the calendar year and until his/her successor has been elected and qualified for office. The Chairman shall preside at meetings of the Advisory Board. In the absence of the Chairman, the Vice-Chairman shall preside at meetings. In order to take any action, a quorum of at least a majority of the voting members of the Advisory Board must be present at the duly called meeting. A vote of a majority of the voting members present at the duly called

meeting at which a quorum is present shall be required to adopt or approve any proposed action by the Board.

The Construction Advisory Board shall meet on the second Thursday in each of the following months: January, March, May, July, September, and November. Special meetings may be called by the Chairman, or Vice-Chairman, as he/she deems necessary.

§ 7-1-48. DUTIES.

The Construction Advisory Board shall adopt such reasonable rules and regulations as are necessary for the conduct of its affairs and shall, when needing legal advice, consult with the Augusta-Richmond County attorney, through the department Director/Building Official. It shall be the duties of the Construction Advisory Board to:

- (a) Serve in an advisory capacity to the Commission on matters pertaining to construction;
- (b) Conduct mediation hearings to resolve differences of opinions in the interpretation of all construction codes and inspection procedures in force in Augusta-Richmond County;
- (c) Make recommendations to the Commission concerning unresolved matters in interpretation of codes and inspection procedures;
- (d) The Advisory Board will not make any changes from the standard codes adopted. If it is felt that any code does not meet Augusta-Richmond County's needs due to unique physical or climatological conditions, a proposal to modify a code may be submitted to the Commission through the department Director-Building Official;
- (e) Serve as a liaison between the City of Augusta and builders, developers, design professionals and other disciplines involved in the building and development industries. This duty includes dissemination of information such as adoption of new building codes and changes in policies to these groups and the general public.
- (f) Appoint a member of the Construction Advisory Committee to serve as an ex-officio member of the Subdivision Regulations Committee. (Ord. # 6034, April 21, 1998).

§ 7-1-49.--§ 7-1-55. RESERVED.

§ 7-1-56. APPEALS PROCEEDINGS--AUTHORIZED; FILING NOTICE OF APPEAL.

(a) Whenever the Director-Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this building code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this building code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent, may appeal from the decision of the Director-Building Official to the Construction Advisory Board.

(b) Notice of appeal shall be in writing and filed within ten (10) days after the decision is rendered by the Director-Building Official. A fee of fifty dollars (\$50.00) shall accompany such notice of appeal. In case of a building or structure which, in the opinion of the Director-Building Official, is unsafe or dangerous, the Director-Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Director-Building Official. (Ord. # 6034, April 21, 1998)

§ 7-1-57. SAME-DECISIONS.

(a) The Advisory Board shall, in every case, reach a decision without unreasonable or unnecessary delay.

(b) The Advisory Board, when so appealed to and after a hearing, may vary the application of any provision of this building code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this building code or public interest, or when, in its opinion, the interpretation of the Director-Building Official would be modified or reversed. A decision of the Board to vary the application of any provision of this building code or to modify an order of the Director-Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

(c) Every decision of the Advisory Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Director-Building Official, and shall be open to public inspection; a copy shall be sent by mail or otherwise to the applicant.

(d) If a decision of the Advisory Board reverses or modifies a refusal, order, or disallowance of the Director-Building Official, or varies the application of any provision of this building code, the Director-Building Official shall immediately take action in accordance with such decision. (Ord. # 6034, April 21, 1998)

§ 7-1-58.--§ 7-1-80. RESERVED.

(Ord. # 6308, October 3, 2000)

ARTICLE 5

PERMITS, INSPECTIONS AND CERTIFICATES OF OCCUPANCY

§ 7-1-81. PERMIT APPLICATION; EXCEPTIONS.

(a) *When required.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Director-Building Official and obtain the required permit for the work.

(b) *Exceptions.* Permits shall not be required for the following mechanical work: (I) any portable heating appliance; (ii) any portable ventilation equipment; (iii) any portable cooling unit; (iv) any steam, hot or chilled water piping within any heating or cooling equipment regulated by this building code; (v) replacement of any part which does not alter its approval or make it unsafe; (vi) any portable evaporative cooler; or (vii) any self-contained refrigeration system containing 10 lb. (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(c) *Temporary structures.* A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

(d) *Work authorized.* A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or

install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

(e) *Minor repairs.* Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

(f) *Information required.* Each application for a permit, with the required fee, shall be filed with the license and inspection department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the license and inspection department.

(g) *Time limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Director-Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(h) *Issuance to contractors only.* No permit, except for homeowners as provided for in § 7-1-9 and § 7-1-121 (a), shall be issued to anyone other than a properly licensed contractor under the laws of the State of Georgia and the ordinances of Augusta-Richmond County.

§ 7-1-82. DRAWINGS AND SPECIFICATIONS.

(a) *Requirements.* When required by the Director-Building Official, two (2) or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany every application. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this building code. Such information shall be specific, and this building code shall not be cited as a whole or in part, nor shall the term *legal* or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

(b) *Additional data.* The Director-Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction and basis of calculations.

(c) *Design professionals.* All drawings, specifications, and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group E-Educational, Group I-Institutional and Group A-Assembly occupancy, and all buildings or structures three (3) stories or more in height or five thousand (5,000) square feet in area, except one and two family dwellings, such designer shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered. Group R-3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

(d) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire-resistive integrity will be maintained where a penetration of a required fire-resistive wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistive floors intersect the exterior walls.

§ 7-1-83. SITE DRAWINGS; BOUNDARY LINE SURVEY.

The Director-Building Official shall require drawings showing the location of the proposed building or structure and of every existing building or structure on the site or lot. He may also require a boundary line survey, if necessary, prepared by a qualified surveyor.

§ 7-1-84. HAZARDOUS OCCUPANCIES.

The Director-Building Official may require the following:

(a) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

(b) *Building floor plan.* A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rates assemblies with their hourly rating, location of liquid-tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

§ 7-1-85. EXAMINATION OF PERMIT APPLICATIONS AND DOCUMENTS; INSPECTION OF BUILDINGS PRIOR TO PERMIT DECISIONS.

(a) *Review.* The Director-Building Official shall examine, or cause to be examined, each application for permit and the accompanying documents, consisting of drawings, specifications, computations and additional data and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

(b) *Affidavits.* The Director-Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Director-Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Director-Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Director-Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(c) Before issuing a permit, the Director-Building Official may examine, or cause to be examined, any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for permit to enlarge, alter, repair, move, demolish or change the occupancy.

§ 7-1-86. ISSUING PERMITS.

(a) *Action on permits.* The Director-Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. If the Director-Building Official is satisfied that the work described in an application for permit and the documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant.

(b) *Refusal to issue permit.* If the application for a permit and the accompanying documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Director-Building Official shall not issue a permit, but shall return the documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.

(c) *Public right of way.* A permit shall not be given by the Director-Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Director of public works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Director-Building Official to see that the street lines are not encroached upon except as provided in chapter 3 hereof.

§ 7-1-87. CONTRACTOR'S RESPONSIBILITIES.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical or plumbing systems, for which a permit is required, to comply with state and/or local rules and regulations concerning licensing which the applicable governing authority may have adopted.

§ 7-1-88. SPECIAL PERMITS FOR FOUNDATION PENDING PERMIT ISSUANCE.

When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Director-Building Official may, at his own discretion, issue a special permit for the foundation only of such building. The holder of such a special permit shall proceed at his own risk and without assurance that a permit for the remainder of the work will be granted or that corrections will not be required in order to meet the provisions of the technical codes.

§ 7-1-89. CONDITIONS OF PERMIT.

(a) *Permit intent.* A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall such issuance of a permit prevent the Director-Building Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this building code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted in writing by the Director-Building Official.

(b) *Permit issued on basis of affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Director-Building Official, are hazardous or complex, the Director-Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise the work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspection are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Director-Building Official.

§ 7-1-90. PERMIT FEES.

(a) *When due and payable.* A permit shall not be issued until the fees prescribed in this section shall have been paid, nor shall an amendment to permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building,

structure, electrical, plumbing, mechanical or gas systems, shall have been paid.

(b) *Accounting of fees.* The Director-Building Official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

(c) *Amount-fee schedule.* On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required in subsection (a) of this section at the time of filing application, in accordance with the following schedule:

(1) *Residential.*

a. *Single-family fee schedule.*

Building, per sq. Ft. under roof	\$.048
Electrical, per house	\$ 21.60
Mechanical, per house	\$ 21.60
Plumbing, per house	\$ 21.60
Fireplace, each	\$ 6.00
Inspection fee, per house on crawl space	\$150.00
(10 inspections at \$15.00 each)	
Inspection fee, per house on slab	\$165.00
(11 inspections at \$15.00 each)	

b. *Single-family attached (townhouses).* Where lot is sold with house, fees shall be the same as for single-family.

c. *Apartment and condominium dwelling units permit fees.* The permit fee will be based on the construction cost using fee schedule.

Electrical, per dwelling unit	\$ 21.60
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Mechanical, per dwelling unit	\$ 21.60
Plumbing, per dwelling unit	\$ 21.60
Fireplace, per unit	\$ 6.00

d. Fifteen dollars (\$15.00) for each required inspection per dwelling unit.

e. All repairs, additions, alterations will be based on cost of labor and materials, using fee schedule, plus fifteen dollars (\$15.00) for each required inspection.
(Ord. # 5994, January 20, 1998)

(2) Commercial, industrial, multifamily and public buildings, having total valuation.

\$100.00 and less - No fee unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.

\$101.00 to \$2,000.00- \$6.00 per thousand or fraction thereof.

\$2,001.00 to \$15,000.00- \$12.00 for the first \$2,000.00 plus \$3.60 for each additional thousand or fraction thereof, to and including \$15,000.00.

\$15,001.00 to \$50,000.00- \$58.80 for the first \$15,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

\$50,001.00 to \$100,000.00- \$163.80 for the first \$50,000.00 plus \$2.40 for each additional thousand or fraction thereof, to and including \$100,000.00.

\$100,001.00 to \$500,000.00- \$283.80 for the first \$100,000.00 plus \$1.50 for each additional thousand or fraction thereof, to and including \$500,000.00.

\$500,000.00 and up- \$883.80 for the first \$500,000.00 plus \$0.90 for each additional thousand or fraction thereof.

(3) Moving of buildings or structures. For the moving of any building or structure, the fee shall be sixty dollars (\$60.00).

(4) Demolition of buildings or structures. For the demolition of any building or structure, the fee shall be thirty dollars (\$30.00) per building, except that a complimentary permit shall be issued to the fire department for burning a building as part of a training exercise.

(5) All subcontractors and contractors for electrical, mechanical, plumbing, low voltage and sprinklers (buildings and grounds) will be required to purchase their own permits based on the fee schedule provided in paragraph (2) of this subsection.

(6) All commercial repairs will be based on the cost or contract using the fee schedule in

paragraph (2) of this subsection for building, electrical, mechanical, plumbing, low-voltage and sprinkler system contractors.

(7) Electrical permits for mobile homes shall be twenty-four (\$24.00) and permit for electrical repairs to mobile homes shall be twelve dollars (\$12.00).

(8) Reinspection. If it is necessary to make a reinspection for a required building, electrical, mechanical or plumbing inspection because of improper work, the contractor responsible shall pay a reinspection fee of fifteen dollars (\$15.00) for each reinspection.

(9) The fee for a temporary sign permit shall be twenty-five dollars (\$25.00). The

The fee for the inspection required by Augusta's ordinances regulating temporary signs shall be fifteen dollars (\$15.00). (Ord. # 6278, June 20,2000)

(Ord. # 6182, July 20, 1999)

(d) *Same--permit valuation.* Permit valuations shall include total cost, such as plumbing, electrical, mechanical equipment and other systems, including materials and labor. If, in the opinion of the Director-Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimated cost to meet the approval of the Director-Building Official.

(e) *Plan review fees.* The fee for reviewing all plans shall be one-half (½) of the permit amount. One and two-family dwellings are exempt from plan review fees.

§ 7-1-91. COMMENCING WORK WITHOUT PERMIT PROHIBITED; PENALTY FOR VIOLATION.

A person firm or corporation who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system, or who causes the same to be done, before obtaining the necessary permits, shall be subject to a three hundred sixty dollar (\$360.00) penalty. (Ord. # 6182, July 20, 1999)

§ 7-1-92. POSTING BUILDING PERMIT CARD; KEEPING APPROVED DRAWINGS AVAILABLE FOR INSPECTION AT SITE REQUIRED.

(a) Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and located in such position as to permit the Director-Building Official or his authorized representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion has been issued by the Director-Building Official.

(b) When the Director-Building Official issues a permit, he shall endorse, in writing or by stamp, both sets of plans *Reviewed for Code Compliance*. One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the Director-Building Official or his authorized representative.

§ 7-1-93. FILING CONTRACTOR PERMIT AND CERTIFICATION; WHEN REQUIRED; PENALTY FOR VIOLATION.

(a) Each contractor's permit and certification shall be filed with the Director-Building Official, on a form furnished for that purpose, and shall contain the location of the work, the building permit number, the contractor's address and license numbers, and such other information as may be required by the Director-Building Official. The contractor's permit and certification shall be signed by the contractor and mailed or delivered to the license and inspection department prior to requesting the first required inspection.

(b) If any person fails to submit to the inspection department a contractor's permit and certification form for electrical, mechanical, gas or plumbing work before the first inspection is required, he shall be subject to a fifty dollar (\$50.00) penalty.

§ 7-1-94. INSPECTIONS.

(a) *Existing building inspections.* The Director-Building Official shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

(b) *Manufacturers and fabricators.* When deemed necessary by the Director-Building Official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. He shall make a record of every such examination and inspection and of all violations of the technical codes.

§ 7-1-95. SAME--INSPECTION SERVICE.

The Director-Building Official may make, or cause to be made, the inspections required by § 7-1-94. He may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

§ 7-1-96. SAME--INSPECTION PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR COMPLETION.

The Director-Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

§ 7-1-97. SAME--REQUIRED INSPECTIONS.

The Director-Building Official, upon notification from the permit holder or his agent, shall make the following inspections of buildings and such other inspections as may be necessary, and shall either approve that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes:

<u>Required Inspections</u>	<u>Special Conditions</u>
Foundation: setback; footing	Do not pour any concrete
	until inspections approved

Concrete slab: building;	Do not pour slab until
plumbing; or block foundation	inspections approved
Rough: electrical; framing;	Do not cover work until
mechanical;plumbing	inspections approved
Finals: building; electrical;	Do not occupy until inspections
plumbing; mechanical	approved

Final Certificate of occupancy and final electric will not be authorized until inspections approved. (Ord. # 5994, January 20, 1998)

§ 7-1-98. WRITTEN APPROVAL REQUIRED.

Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining the written approval of the inspector. Such written approval shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing inspections.

§ 7-1-99. REINFORCING STEEL AND STRUCTURAL FRAMES.

Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed in any manner whatsoever without first obtaining the approval of the Director-Building Official.

§ 7-1-100. PLASTER FIRE PROTECTION.

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Director-Building Official after all lathing and backing is in place. Plaster shall not be applied until the approval of the Director-Building Official has been received.

§ 7-1-101. CERTIFICATES OF OCCUPANCY.

(a) *Building occupancy.* A new building shall not be occupied or a change be made in occupancy or the nature or the use of a building or part of a building until after the Director-Building Official shall have issued a certificate of occupancy therefor. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes

and other applicable laws and ordinances, and approved by the Director-Building Official.

(b) *Prerequisites to issuance; contents.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the approved plans and the technical codes, payment of all fees, and after the final inspection herein referred to, and upon application therefor, the Director-Building Official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this building code.

(c) *Temporary/partial certificates of occupancy.* A temporary/partial certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building.

§ 7-1-102. CERTIFICATES OF OCCUPANCY FOR EXISTING BUILDINGS.

A certificate of occupancy for any existing building may be obtained by applying to the Director-Building Official and supplying the information and data necessary to determine compliance with this building code for the occupancy intended. When necessary, in the opinion of the Director-Building Official, two (2) sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this building code for such occupancy, a certificate of occupancy shall be issued.

§ 7-1-103. CERTIFICATE OF COMPLETION.

Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is approved for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

§ 7-1-104. SERVICE UTILITIES.

(a) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until approved by the Director-Building Official and a certificate of occupancy or completion issued.

(b) *Temporary connection.* The Director-Building Official may authorize the temporary connection of a building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

(c) *Authority to disconnect service utilities.* The Director-Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Director-Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified

prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

§ 7-1-105. POSTING FLOOR LOADS.

(a) *Occupancy.* An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Director-Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

(b) *Storage and facility-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the license and inspection department.

(c) *Signs required.* In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Director-Building Official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner.

§ 7-1-106. TESTS.

The Director-Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

§ 7-1-107.--§ 7-1-115. RESERVED.

ARTICLE 6

CONSTRUCTION TRADES REGULATION

§ 7-1-116. PAYMENT OF OCCUPATION TAX, BOND AND LIABILITY INSURANCE REQUIRED.

It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, to do the following:

(a) Obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code; or, if a business tax certificate or business license has been obtained elsewhere in the State of Georgia and is current and valid, present a copy of said business tax certificate or license to the license and inspection department.

(b) Execute and deposit in the license and inspection department a bond in the sum of one thousand dollars (\$1,000.00), such bond to be conditioned that all work performed by the contractor or under his supervision shall be performed in accordance with the provisions of this building code and that he shall pay all fees and penalties properly imposed upon him for violations of the provisions of this building code; provided, however, that a contractor obtaining a bond of ten thousand dollars (\$10,000.00) in accordance with O.C.G.A. sec. 43-14-12 and providing a copy of that bond to the license and inspection department is not required to obtain a separate bond in the amount of one thousand dollars (\$1,000.00) under this code section.

(c) Place on file in the license and inspection department office a certificate of insurance for public liability and property damage for an amount not less than fifty thousand dollars (\$50,000.00) for each person and one hundred thousand dollars (\$100,000.00) for each occurrence. It shall be the responsibility of the contractor to notify the license and inspection office immediately upon cancellation of or change in public liability and property damage insurance.

(d) Pay the annual regulatory fee as provided in § 2-2-3 of the Augusta-Richmond County Code.

§ 7-1-117. PERFORMING ELECTRICAL, PLUMBING, AND HVAC WORK.

Electrical, Plumbing, and HVAC contractors required to employ State certified personnel. Before being licensed to perform electrical, plumbing, and HVAC contracting and construction in Augusta-Richmond County, each person, firm or corporation desiring such license shall have a person regularly employed who has been certified by the Georgia State Construction Industry Board (O.C.G.A. Title 43).

§ 7-1-118. LIMITATIONS ON USE OF MASTER ELECTRICIAN'S OR PLUMBER'S CERTIFICATE TO OBTAIN PERMIT.

(a) No person holding State certification as an electrician, plumber or HVAC contractor (conditioned air) shall allow his certification to be used, directly or indirectly, for the purpose of obtaining a permit, business license, or to perform work unless said person is employed by the firm applying for the permit, business license or performing said work.

(b) Any person or persons found guilty of using another person's master's certificate for the purpose of obtaining a permit or doing work under a certificate other than his own shall be subject to penalty as prescribed in § 7-1-120.

§ 7-1-119. EXEMPTIONS FROM §§ 7-1-117 THROUGH 7-1-118.

(a) *Owner wiring residence.* Nothing contained herein shall prevent or prohibit an owner from doing electrical or plumbing work in a dwelling in which he resides; provided, however, such owner shall pay required permit fees and shall make such installations as required by this building code for safety purposes and provided, however, such person does not employ a journeyman electrician or plumber to assist with work.

(b) *Industry maintenance department.* Any manufacturing industry employing fifty (50) or more workers and operating its own maintenance department shall be exempt from the provisions of this article, except that the installations shall be in compliance with the standards provided by the applicable code.

§ 7-1-120. PENALTIES FOR VIOLATIONS OF §§ 7-1-117 THROUGH 7-1-118.

(a) Any violation of any of the provisions, sections or subsections of §§ 7-1-117 through 7-1-118, shall be tried as a misdemeanor and punished as provided in § 1-6-1 of this Code. The inspector shall have the authority to issue or cause to be issued a subpoena to the person violating said sections to appear in the appointed court for a hearing.

(b) Any person, firm or corporation who shall continue to violate §§ 7-1-117 through 7-1-118, shall, after due consideration by the Commission Council, pursuant to the provision of § 7-1-136 hereof, forfeit his or their licenses and/or certificates issued under the terms of said sections. No licenses and/or certificates shall be reinstated within thirty (30) days after having been revoked, and no such reinstatement shall be made without examination as required by §§ 7-1-117 through 7-1-118.

(c) In addition to (a) of this section, any person, firm or corporation who violates 7-1-117 through 7-1-118 will be reported to the State Construction Industry License Board for further punitive action as provided for in O.C.G.A. (Title 43).

§ 7-1-121.--§ 7-1-130. RESERVED.

ARTICLE 7

MAINTENANCE--GENERALLY.

§ 7-1-131. REQUIRED.

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this building code in a building when erected, altered, or repaired shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

§ 7-1-132. DEFINITIONS.

(a) *Abandoned vehicle.* Abandoned motor vehicle as defined in § 40-11-1 of the official Code of Georgia Annotated.

(b) *Augusta-Richmond County.* Augusta-Richmond County, Georgia.

(c) *Blighted.* Unsightly conditions including the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead or damaged through the natural elements; and any other similar conditions of disrepair and deterioration.

(d) *Building.* Any structure designed for occupancy including manufactured homes, factory built buildings, and like property for which taxes may be assessed together with all garages, outbuildings and accessory structures.

(e) *Brush.* Shrubs or growth which present or may present a blight or fire hazard.

(f) *Commission.* The Augusta-Richmond County Commission or its designated representative.

(g) *Debris.* Substance of little or no apparent economic value, which may be present in a state of apparent unpremeditated disarray.

(h) *Deterioration.* a lowering in quality in the condition or appearance of a building or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

(i) *Dwelling*. Any building or a portion thereof which is intended, or designated to be built, used, rented, leased, let, or hired out to be occupied, or which is occupied for living purposes by humans.

(j) *Excavation*. Wells, shafts, basements, cesspools, septic tanks, fish ponds, and other like or similar conditions more than six (6) inches in diameter and three (3) feet in depth.

(k) *Exterior opening*. An open or closed window, door, or passage between interior and exterior spaces.

(l) *Garbage*. Swill, offal, and any accumulation of animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and the waste wrappers or containers thereof and filthy or odoriferous objects.

(m) *Hazardous waste*. Any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State to be *Hazardous Waste* as defined in 40 C.F.R. Sections 261.1 through 261.33, except that, for purposes of this ordinance hazardous waste shall include household waste as defined in 40 C.F.R. 261.4 Bl.

(n) *Litter*. Decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, tin cans, yard clippings, wood, glass, debris; scrap paving material, discarded appliances, discarded furniture, bedding, dry vegetation, weeds, dead trees and branches, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects.

(o) *Occupant*. A legal entity that, through rights of ownership or rental, has the use and enjoyment of the subject real property for residential or commercial purposes.

(p) *Owner*. A legal entity listed as current or rightful owner as recorded in the official records of the Clerk of Superior Court of Richmond County, Georgia.

(q) *Responsible party*. An occupant, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land.

§ 7-1-133. MAINTENANCE STANDARDS.

(a) *Exterior surfaces*. All exposed exterior surfaces, windows and doors of all residential, commercial and other buildings and structures shall be maintained so as to be free of deterioration that is a threat to health and safety or otherwise presents a deteriorated or blighted appearance. Windows, doors, locks on doors, hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Examples of such deterioration and blight include but are not limited to: improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions; chimneys that are structurally unsafe; exterior windows and doors that are not fitted securely in their frames and are not substantially weather tight; paint that is deteriorated, indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare, unprotected surfaces. Window screening, if present, shall be maintained in good condition.

(b) *Fences, retaining walls*. All fences and retaining walls on the premises shall be safe, structurally sound and uniform or compatible in color and structure and shall be maintained so that they do not constitute a blighting influence. Examples of blighting influence with respect to fences include, but are not limited to, leaning fences, fences that are constructed out of deteriorated scrap materials not designed for use as fencing such as doors and sheets of tin, fences that are missing slats, rails or blocks, fences that contain graffiti or paint which is peeling or otherwise deteriorated.

(c) *Exterior insect and rodent control.* All premises shall be kept free from insect and rodent infestation and other noxious pests.

(d) *Drainage.* All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to retention basins or other similar conditions approved by the Commission.

(e) *Foundations, wall and roofs.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in structurally sound and weather tight condition. The foundation elements shall adequately support the building at all points and shall be free from deterioration.

(1) The building foundation shall be maintained in a safe condition and be capable of supporting the load which normal use may place thereon.

(2) The exterior walls shall be substantially weather tight, weatherproof, free from dry rot and mildew, and shall be maintained in sound condition and good repair so as to prevent infestation. All exterior surfaces other than decay-resistant materials, shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. No lead-based paint shall be used on any surface of any structure.

(3) Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Roofs shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted appearance.

(f) *Outdoor stairs, porches, railings.* All outdoor stairs, porches and hand railings shall be adequate for safety. Every stair and porch shall be maintained so as to be safe and in structurally sound condition. The support for railings, stairs, and porches shall be structurally sound and adequate. Every stairway, stair, porch, and any appendage thereto shall be maintained in safe condition and shall be capable of supporting a load that normal use may place thereon.

(g) *Exterior premises.*

(1) *Generally.* All land, whether improved or unimproved, shall be maintained free from any accumulation of garbage or a blighting influence which includes, but is not limited to graffiti on walls, fences, mail boxes, and similar structures; accumulation of litter, rubbish, refuse, waste material, bottles, papers, glass, cans, organic or inorganic material, abandoned vehicles, discarded appliances, discarded furniture, broken glass, used or deteriorated roofing shingles, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents, snakes, or other harmful pests or which may otherwise create a fire hazard.

(2) *Weeds, underbrush and other vegetation.* All exterior property areas shall be kept free from weeds, vines, underbrush and dead trees and branches which present a visual blight upon the area, which may harbor insect or rodent infestations or which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants. All lawn grass shall be kept at less than six (6) inches in height.

§ 7-1-134. ADMINISTRATION AND ENFORCEMENT OF STANDARDS.

(a) *Authority to enforce standards.* The Director-Building Official, or his designee, shall enforce the provisions of this section.

(b) *Authority and inspections.* The Director-Building Official or his designee is authorized and directed to make reasonable

inspections of property to determine compliance with this section.

(1) Such an inspector may expand the scope of any inspection on the original complaint to include other violations noted during inspection on the subject property.

(2) Exempted from the operation of this section are large, remote acreage in its natural state, acreage impossible to service with large machinery due to its terrain, industrially zoned areas wherein zoning permits the storage of material ordinarily prohibited by this section; provided, however, this exemption is not operable when actual and probable danger exists.

(3) Unscreened exterior areas, buildings, structures and lands, may be inspected at any time with or without the involvement of the owner, in accordance with legal requirements.

(4) Screened exterior areas shall be inspected only during the normal business hours of Augusta-Richmond County unless otherwise arranged, upon invitation or with the concurrence of the owner or occupant or when ordered by a court or when probable cause exists to believe that conditions therein may be detrimental to health and safety.

(5) Except in cases of alleged imminent hazards, if the occupant is not the owner of the premises or dwelling unit to be inspected, the Director-Building Official or his designee shall provide reasonable notice in writing or by telephone to the occupant as to the time and place of inspection. A reasonable attempt must be made by Augusta-Richmond County staff to contact the owner and advise the owner of the time and place of inspection.

(6) The owner or responsible party will be required to correct all violations within a reasonable amount of time. In the event that the building becomes unoccupied, future occupancy will be prohibited until a compliance letter is issued by Augusta-Richmond County. It shall be incumbent upon the Director-Building Official or his designees to reinspect for the purpose of re-occupancy within five (5) business days of the receipt of a written request by the owner.

(c) *Notice of violation.* If, after an inspection, the Director-Building Official finds one or more violations of this section, he shall, in writing, notify the owner via a Notice of Violation sent by certified mail or hand delivery to the owner. The Notice of Violation shall include:

(1) Identification of property in violation;

(2) Statement of violations in sufficient detail to allow the owner to identify and correct the problem;

(3) Reinspection date.

(d) *Service of notice.* Any notice permitted or required to be given for any purpose under this section shall be deemed effective on the date when written notice is hand delivered to the owner or delivered to the residence of the owner and left with a person of suitable age and discretion or when deposited in the United States mail by certified mail addressed to the property owner at such owner's last known address. In the event of service by certified mail as set forth above, a copy of said notice shall also be posted on the premises for a period of thirty (30) days. The Director-Building Official or his designees will use reasonable efforts to locate and communicate with the owner of the property upon which the violation exists. Service of notice shall also be deemed effective upon notification through one time public notice published in the newspaper in which Sheriff's sales are advertised in Augusta-Richmond County, Georgia and by posting the property for a period of thirty (30) days in the event the address of the owner cannot be obtained upon reasonable inquiry. [For vacant lots see § 4-2-2]

§ 7-1-135. ENFORCEMENT.

(a) The authority of Augusta-Richmond County to enforce the provisions of this section is independent of and in addition to

the authority of other Augusta-Richmond County officials to enforce the provisions of any other law, ordinance or regulation which such officials are authorized to enforce.

(b) The remedies herein are cumulative and Augusta-Richmond County may proceed under one or more such remedies.

(c) Any owner, or other person having control over a structure or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of this section or who fails to perform any act or duty required by this section shall be punished as provided in § 1-6-1 of the Augusta-Richmond County Code.

(d) No criminal complaint shall be filed prior to the passage of thirty (30) days from the issuance of the Notice of Violation.

(e) Each day any violation of any provision of this section or the failure to perform any act or duty required by this section exists shall constitute a separate violation or offense.

(f) The owner of record, as recorded in the office of Clerk of Superior Court of Richmond County, Georgia, of the property upon which a violation of this section exists shall be presumed to be the person having lawful control over a structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons shall be jointly and severally presumed to be persons having lawful control over a structure or parcel of land. This presumption shall not prevent enforcement of the provisions of this section against any person specified in subsection (3) of this section.

(g) It is an affirmative defense for an owner of record that any violation of this section was caused by an act or acts of a lessee or tenant who was a resident of the property on the date of violation alleged in the Notice of Violation provided that the owner provides the Director-Building Official with the name of such tenant(s) in writing and eliminates the violation within a reasonable period of time to be established by the Director-Building Official. No defense shall be asserted pursuant to this provision unless notice thereof is filed with the court having jurisdiction over the violation and is provided to the solicitor or prosecutor of said court at least three (3) business days in advance of the date set for trial.

§ 7-1-136. APPEALS TO THE CONSTRUCTION ADVISORY BOARD.

(a) Any person may appeal a notice, order or decision of the Director-Building Official to the Augusta-Richmond County Construction Advisory Board when it is claimed that the true intent of the codes or standards described in this section has been incorrectly interpreted or when special circumstances or conditions exist which would authorize a minor variance on the grounds hereinafter set forth. Appeals to the Construction Advisory Board shall be made in writing and filed with the Director of the License and Inspection Department within the time period set in the Notice of Violation or within five (5) days after service of any such order upon the owner as provided herein. The applicant's written appeal shall specifically set forth the grounds upon which said appeal is based. The Commission may grant a minor variance to this section when it is determined that:

(1) special circumstances or conditions apply to this appeal application such as an undue hardship;

(2) authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and

(3) authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

(b) Except for orders to vacate, the timely filing of an appeal shall stay enforcement of the order appealed until the appeal is finally determined by the Commission.

(c) Failure of a person entitled to appeal under this section to timely file an appeal shall constitute a waiver of the right to a hearing of the complaint before the Construction Advisory Board and such person shall be estopped to deny the validity of any

order or action of Augusta-Richmond County which could have been timely appealed.

(d) Any party aggrieved by a decision of the Construction Advisory Board may apply to Superior Court. Said appeal shall be the same as an appeal to the superior court from any decision made by the probate court, except that said appeal shall be filed within thirty (30) days from the date of the decision of the Construction Advisory Board or of any official charged with the enforcement of any order, requirement or decision in connection therewith; and upon failure to file said appeal within thirty (30) days, the decision of the Construction Advisory Board shall be final.

§ 7-1-137. SUPPLEMENTAL NATURE.

This section shall not be the exclusive regulation of the maintenance of buildings within Augusta-Richmond County, but shall be supplemental in addition to other regulations and ordinances of Augusta-Richmond County and statutes or provisions of law heretofore and hereinafter enacted by the state or other legal entity or agency having jurisdiction. In the event of a conflict between this section and any other such regulation, ordinance, statute or provision of law, the stricter of the two shall apply.

§ 7-1-138. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this section should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section, which shall remain in full force and effect; and to this end the provisions of this section are hereby declared to be severable.

CHAPTER 2

NUISANCES

§ 7-2-1. GENERALLY.

The following conditions, in addition to those conditions recognized as such pursuant to State law, are hereby declared to constitute nuisances: substances emitting noxious odors, carcasses of animals, establishments or structures emitting noxious odors, vapors, or fumes; deposits of waste water; litter, trash, refuse, rubble, and rubbish of all sorts; overgrown vegetation, weeds, brambles, brush or thickets; malfunctioning private sewage disposal systems; dilapidated buildings open to unauthorized or unlawful entry; hazardous trees; all articles, conditions, acts, or things whatsoever, kept, maintained or permitted by any person to pose a threat of injury, inconvenience, or annoyance to the public; and, all pursuits followed or engaged in, behavior or conduct performed by any person, which pose a threat of injury, annoyance, or inconvenience to the public.

§ 7-2-2. NUISANCES--PROHIBITED.

It shall be unlawful for any owner or occupant of any parcel of land lying within Augusta-Richmond County to cause or permit

any nuisance to be created or remain upon such premises; and it shall be the duty of such owner or occupant to abate and remove any such nuisance from such premises. No owner or occupant of any parcel of land lying within Augusta-Richmond County shall permit, cause, keep, maintain, or engage in any activity constituting a nuisance, as defined herein, or as otherwise defined by the law of the State of Georgia, within Augusta-Richmond County.

§ 7-2-3. NUISANCES--NOTICE.

Whenever an inspector of the License and Inspection Department or any other duly constituted inspecting authority of the Augusta-Richmond County Commission determines that a nuisance exists on any premises within Augusta-Richmond County, he may serve written notice upon the owner or occupant, or his agent having control thereof, to abate such nuisance. The notice shall, at a minimum, set forth the nature of the nuisance and the fact that the same constitutes a nuisance upon said property; describe the premises where the nuisance is alleged to exist or to have been committed; and specify a reasonable period of time for the abatement of said nuisance. Said notice shall be served upon the owner or occupant of the premises by personal delivery, or by mailing said notice, certified mail, return receipt requested, addressed to the owner, occupant or agent. If service cannot be effectuated in such a manner after diligent effort to do so, service may be made by conspicuously posting the notice in or about the premises described in the notice, or by causing such notice to be published once in a newspaper of general circulation in Augusta-Richmond County. If the owner or occupant is a corporation, notice may be served upon an officer, a manager or person in charge of any local business office of such corporation, or the corporation's registered agent for service of process.

§ 7-2-4. NUISANCES--PROCEDURES IN THE EVENT NUISANCE NOT ABATED WHEN SPECIFIED.

In the event that such nuisance is not abated by the owner or occupant within the time specified, then the owner and/or occupant may be cited for violation of this chapter.

§ 7-2-5. NUISANCES--PENALTIES.

Violations of the provisions of this chapter shall be punished as provided in § 1-6-1 of this Code.

§ 7-2-6. NUISANCES--DESIGNATION OF PUBLIC OFFICER TO EXERCISE STATUTORY NUISANCE ABATEMENT POWERS.

All unsafe building abatement determinations and proceedings shall be governed by the Standard Unsafe Building Abatement Code as adopted in §7-1-16 hereof.

§ 7-2-7. NUISANCES--INJUNCTIONS AGAINST ORDER TO ABATE A NUISANCE, REPAIR, CLOSE, OR DEMOLISH UNFIT DWELLINGS, BUILDINGS OR STRUCTURES.

Any person affected by an order issued by the public officer under this Article, may petition to the Superior Court for an injunction pursuant to the provisions of O.C.G.A. § 41-2-13.

§ 7-2-8.--§ 7-2-40. RESERVED.

ARTICLE 2

ABATEMENT

§ 7-2-41. POWERS OF DIRECTOR-BUILDING OFFICIAL TO ABATE NUISANCE.

The Director-Building official shall have the powers set forth in O.C.G.A. § 41-2-11, in addition to those powers set forth in this Title, in regard to unfit structures.

§ 7-2-42. INCORPORATION OF STATE PROCEDURES.

The provisions of O.C.G.A. § 41-2-7 through § 41-2-17, as presently adopted or hereafter amended are incorporated herein by reference.

CHAPTER 3

STREETLIGHTING

ARTICLE 1

IN GENERAL

§ 7-3-1. - PROGRAM--CREATION.

(a) There is hereby created and established within Augusta-Richmond County a Streetlighting Program.

(b) Pursuant to Constitutional authorization in 1970 Ga. Laws, p. 1097, the Augusta-Richmond County Commission is authorized and empowered to establish districts for the purpose of erecting, establishing, maintaining and operating within Richmond County streetlights and lamps for illumination of the public streets, roads, sidewalks and ways situated in said county. If at least fifty (50) percent of the property owners within the proposed district shall assent thereto, the Augusta-Richmond County Commission shall be further authorized to levy, assess and collect a tax or special assessment against the property located in said districts for the aforesaid purposes or make service charges against all businesses and residents served by said facilities as the Commission shall deem necessary for the services rendered, all without regard to uniformity. Such tax assessments shall be collected by the tax commissioner and may be enforced by the issuance of fi fa's or executions for said charges in the same manner and with the same lien dignity and priority as fi fa's or executions are issued for state and county taxes. Said Commission

is further authorized to compel compliance with reasonable rules and regulations necessary for said services.

(c) Pursuant to 1995 Ga. Laws, p. 3648, the Augusta-Richmond County Commission is authorized to create special services tax districts and to assess, levy, and collect ad valorem taxes and collect service charges and fees for the provision of district services within a special services district only in accordance with the kind, character, type, and degree of district services provided by the Commission within such special services tax district. The provisions of this section shall control ad valorem taxation and the collection of service charges and fees for the provision of district services within special tax districts by the Commission. District services as used herein specifically includes streetlights as provided in Article 9, Section 2, Paragraph 3, of the Constitution of the State of Georgia. (Ord. # 6189, August 17, 1999)

§ 7-3-2. STREETLIGHT PROGRAM --RESPONSIBILITY.

The administrative responsibility for the program is hereby assigned to the traffic engineering division of the public works department of Augusta-Richmond County.

§ 7-3-3 STREETLIGHT COORDINATOR -- SECURING SERVICES.

The public works department is hereby authorized to secure the services of a competent and qualified person to assume the duties of streetlight coordinator.

§ 7-3-4. STREETLIGHT COORDINATOR -- DUTY TO RECOMMEND STANDARDS AND PROCEDURES.

(a) The coordinator shall recommend to the Augusta-Richmond County Commission such resolutions, standards and procedures that he deems desirable to implement the streetlighting program.

(b) The coordinator, after completion of any construction or maintenance authorized hereunder in any designated area, shall prepare and make up an assessment roll properly describing said improvements and how the owners of the abutting property are to be assessed with the total cost or any portion thereof, of any given project, and forward the same to the Augusta-Richmond County Commission for approval. Upon approval by the Augusta-Richmond County Commission, the assessment roll shall immediately be forwarded to the tax commissioner. In making assessments against the abutting property, the same shall be equitable and in portion to the street frontage to be served by said streetlights.

(c) The Augusta-Richmond County Commission, by resolution, shall designate a special service tax district, identifying the district boundaries and approving the assessment roll described in subparagraph (b) hereof.

§ 7-3-5. ASSESSMENT OF COST.

The annual cost and charges for the maintenance and operation of the streetlights shall be assessed on a street side footage basis per year to each property owner and shall be a lien upon the abutting property annually from January 1 next and continuing each year until all annual charges have been paid.

§ 7-3-6. STANDARDS FOR INSTALLATION AND OPERATION OF SYSTEM -- ADOPTION.

The American Standard Practice for Roadway Lighting as sponsored by the Illuminating Engineering Society and approved by the American Standards Association will be used as standards for installation and operation of street and roadway lighting in Augusta-Richmond County.

§ 7-3-7. STANDARDS FOR STREETLIGHTS--MANDATORY.

No lighting fixtures will be installed, operated or maintained within the rights-of-way of any public street, road, highway, alley or sidewalk within Augusta-Richmond County or affixed to any pole, standard or other supporting device which is located within rights-of-way, unless such fixture conforms as to location, installation, equipment, operation and maintenance to the roadway and streetlighting standard and procedures established in § 7-3-4. Fixtures located outside of the rights-of-way will be installed, operated and maintained in such a manner as to prevent light beams, patterns or glare from projecting on rights-of-way in such manner as to be a hazard to, or interfere with, the normal use of the public street, road or highway.(Ord. #6189, August 17, 1999).

ARTICLE 2

CONSTRUCTION AND MAINTENANCE

§ 7-3-8. CONDITIONS.

The construction or maintenance of any streets, roads, sidewalks, curbs, stormwater systems and sewer systems in Augusta-Richmond County may be done by Augusta-Richmond County upon approval of the Augusta-Richmond County Commission when seventy-five (75) percent of the owners of the property abutting such improvements shall consent thereto and agree to be assessed for the cost thereof on a pro rata basis as provided for herein.

§ 7-3-9. REQUIRED DEVELOPMENT.

No construction or improvement of any streets, roads, sidewalks, or curbs in Augusta-Richmond County may be done by Augusta-Richmond County unless the property adjacent to the street, road, sidewalk or curb is eighty (80) percent developed. The required development herein shall be determined by the following formula: The front footage of all lots or parcels adjacent to the street, road, curb or sidewalk being installed or improved shall be totaled, and the total front footage of all lots or parcels shall be divided into the total front footage of all lots or parcels with improvements thereon to arrive at the percentage of development.

§ 7-3-10. ASSESSMENT OF COST.

The Augusta-Richmond County Commission assess the entire cost of such improvements, or any portion thereof, as determined by the Commission, against such abutting property owners; however, no assessment shall be made against the abutting property owners unless the same is consented to in writing by the owners of seventy-five (75) percent of the property abutting such improvements.

§ 7-3-11. CONSTRUCTION BY AUGUSTA-RICHMOND COUNTY OR BY CONTRACT.

The Augusta-Richmond County Commission, after determining the cost of such construction or maintenance to be done, including the cost of acquiring rights-of-way, if any are to be required, and all cost necessary therefor, including the cost of engineering, supervision and inspection, shall proceed to construct the same either by forces of the public works department or by contract, as the Commission deems best.

§ 7-3-12. COLLECTION OF ASSESSMENTS.

The Augusta-Richmond County engineer, after completion of any construction or maintenance authorized hereunder in any designated area, shall prepare and make up an assessment roll properly describing said improvements and how the owners of the abutting property are to be assessed with the total cost or any portion thereof, of any given project, and forward the same to the governing authority for approval. Upon approval of the Augusta-Richmond County Commission, the assessment roll shall immediately be forwarded to the collector of delinquent taxes for collection. In making assessments against the abutting property,

the same shall be equitable and in proportion to the street frontage to be served by said improvements.

§ 7-3-13. LIENS; COLLECTOR OF DELINQUENT TAXES.

All assessments made hereunder shall be liens against the property abutting such streets, roads, sidewalks, curbs, stormwater systems or sewer systems from the date of the adoption of the resolution authorizing such improvements and the assessment of the cost for the same. A copy of each resolution as adopted by the Augusta-Richmond County Commission shall be forwarded by the clerk to the collector of delinquent taxes.

§ 7-3-14. DOCKET; PAYMENT OF ASSESSMENTS; EXECUTIONS.

A docket shall be kept by the director of delinquent taxes for listing the property owners and property and the amounts assessed thereon for construction and maintenance authorized hereunder. Said assessments shall be paid thirty (30) days from the date that the same is submitted to the property owner or in any other manner as provided for by the Augusta-Richmond County Commission. All delinquent assessments shall bear interest at the rate of nine (9) percent per annum. An execution shall issue for the collection of any delinquent assessments; and the same shall be signed by the chairman of the Commission, and shall be recorded on the general execution docket in the office of the clerk of superior court of Richmond County, and shall be collected by the delinquent tax collector as other fi.fa.'s, and in the event that the defendant in fi.fa. shall claim the amount thereof, or some part of same thereof is not owing, or that the same is proceeding illegally, he may file illegality thereto, and proceed thereon the same as provided for in case of tax fi.fa.'s.

§ 7-3-15. FLFA.; PROPRIETY; TRANSFER.

All fi.fa.'s or executions issued hereunder shall be with the same lien, dignity and priority as fi.fa.'s or executions are listed for state and local taxes. Any if. fa. issued hereunder may be transferred or assigned and the property levied upon and sold under the rules governing judicial sales.

§ 7-3-16. AUGUSTA-RICHMOND COUNTY ROAD SYSTEM.

(a) All public roads, streets, avenues, drives, and other ways open to the public and intended or used for its enjoyment and for the passage of vehicles as defined by Georgia Laws 1973, pp. 947, 959, located in Augusta-Richmond County, as shown by recorded deeds of conveyance to the county, which are on file in the office of the Augusta-Richmond County engineer; and all said public roads shown by the county road register maintained by the Augusta-Richmond County engineer; and all said roads shown as county roads on the most recent map of public roads in the county prepared by the state department of transportation, collectively, are hereby designated as the county road system; and each said road or portion thereof is declared to be a part of the county road system as is provided in Georgia Laws 1973, pp. 947, 967.

(b) The county engineer shall notify the state department of transportation of this section and shall, as soon as practicable, submit any additions or deletions which may be necessary to conform the map and written record maintained by the department of transportation showing public roads in the county to reflect those roads which are hereby designated as the county road system.

§ 7-3-17. ADDING ROAD TO THE AUGUSTA-RICHMOND COUNTY ROAD SYSTEM.

Prior to the adding of any road to the Augusta-Richmond County road system, the following resolution shall be adopted by the Augusta-Richmond County Commission:

RESOLUTION ADDING ROAD TO THE AUGUSTA-RICHMOND COUNTY ROAD SYSTEM.

WHEREAS, [Road] is an existing Road in Augusta-Richmond County, Georgia open to public usage; and

WHEREAS, Augusta-Richmond County desires to make Road a part of its Road System.

NOW, THEREFORE, BE IT RESOLVED by the Augusta-Richmond County Commission that [Road] is hereby added to its official Road System of Record, being described as follows and as shown on the attached sketch map or plat showing the approximate alignment and location of said road:

(a) Points of beginning and ending:

Beginning at _____ and ending at _____.

(b) Length of road to nearest 1/10th mile: _____.

(c) Width and type of road surface: _____.

The Clerk of the Commission is hereby directed to forward a certified copy of this Resolution to: Georgia Department of Transportation, Office of Planning, Inventory Branch, 2 Capitol Square, Atlanta, Georgia, 30334.

Adopted this _____ day of _____, 19____.

/s/

MAYOR, Augusta-Richmond County

Commission

ATTEST:

/S/

CLERK, Augusta-Richmond County

Commission

ARTICLE 3

EXCAVATIONS

§ 7-3-18. REQUIREMENTS.

No excavation shall be made within any public right-of-way (street, road, alley, lane or other public thoroughfare) of Augusta-Richmond County until the following requirements have been met:

- (a) A fifteen hundred dollar (\$1,500.00) bond with adequate security has been filed with Augusta-Richmond County in the office of the director of public works or a letter from a chartered state or national bank or savings and loan institution within the state, confirming an escrow deposit, by the contractor or applicant for the benefit of Augusta-Richmond County or a letter of credit from a chartered state or national bank or savings and loan institution within the state.
- (b) A letter and/or plans have been submitted to the director of public works or his representative giving the details regarding the proposed excavations and expected dates of the same.
- (c) A permit is obtained from the director of public works or his representative and posted on the job site.

§ 7-3-19. NOTIFICATION OF THE DIRECTOR OF PUBLIC WORKS OR HIS REPRESENTATIVE; COMPLETION OF WORK.

The director of public works or his representative shall be notified at least twenty-four (24) hours prior to the beginning of the excavation, and all work shall be completed within seven (7) calendar days or an extension of time shall be secured in writing from the director of public works or his representative. A minimum of one (1) hour's advance notice during regular working hours (8:30 a.m. to 5:00 p.m.) shall be given prior to beginning any backfill operation. Any backfill accomplished without the minimum one-hour advance notice shall be removed in its entirety. The applicant must obtain permission from Augusta-Richmond County's inspector before placing concrete or asphalt.

§ 7-3-20. CONSTRUCTION STANDARDS.

Construction for all road cut excavations shall conform to the standard detail approved by the Augusta-Richmond County engineer, including as a minimum:

(a) Select backfill compacted in lifts no more than six (6) inches, loose measure, to at least ninety-eight (98) percent of the maximum dry density as determined by a standard proctor. No backfill work shall begin until all required materials, along with a mechanical compactor and competent operator for the compactor, are on the job site.

(b) Eight-inch-thick portland cement concrete, class "A" or better (minimum 611 pounds cement/cu. yd.) shall be placed twelve (12) inches wider, each side, than the excavated trench/ditch. All edges shall be squared. The concrete shall be protected until proper set is obtained.

(c) Final position of asphalt surface with saw cut edges to match the existing grade of the surrounding pavement after proper rolling.

§ 7-3-21. BLOCKING TRAFFIC; SIGNS.

No traffic shall be blocked at any time during construction unless approved as part of the permit and all required signs and state-certified flagmen are in place. All signs, barricades and flagmen shall be provided by the contractor at his expense, and placed as directed by the public works director or his representative.

§ 7-3-22. REPAIRS TO CUT PAVEMENT; COST.

Where pavement is cut, repairs to such pavement shall be made by the person, utility company or contractor who made the cut. Such repairs shall be made according to specifications approved by the public works director which shall be furnished to the person, utility company or contractor by said director. All cuts and repairs to cuts shall be made under the supervision of the public works director. The person, utility company or contractor shall pay as a fee the sum of ten cents per square foot on footage agreed upon by the commissioner of public works and the person, utility company or contractor, but not less than three dollars per cut. This fee shall be paid within thirty days after the cut is made, by the person or utility company making the cut and repairs, and shall be deposited to the credit of the department from which inspectors under the public works director are paid.

§ 7-3-23. FAILURE TO COMPLETE WORK.

In the event the contractor does not complete the excavation work within seven (7) days or within any extended time granted, or in a satisfactory manner, the director of public works or his representative shall have the work done with Augusta-Richmond County forces or by contract and shall bill the bonding company of the contractor at a rate twice the actual cost.

§ 7-3-24. EMERGENCY PERMITS.

Emergency permits may be obtained from the director of public works or his representative by telephone and must be verified in writing within twenty-four (24) hours by the contractor. All requirements contained herein shall apply to emergency permits (as deemed feasible by the director of public works or his representative).

§ 7-3-25. PENALTY FOR NONCOMPLIANCE.

Failure to comply with any section or subsection of this article, except as approved in writing by the director of public works or his representative, in advance, shall result in a fine of five hundred dollars (\$500.00) per day, with each day considered a separate violation. This fine is in addition to the cost of repairs as prescribed in § 7-4-22. Any company that violates this article will not have any further permits issued for additional work until all fines are paid and all outstanding repairs are completed.

ARTICLE 4

USE OF COUNTY RIGHTS OF WAY

§ 7-3-26. HEAVY EQUIPMENT ON RIGHT OF WAY.

This section shall cover any person, association, or business entity using heavy equipment (as hereinafter defined) on or over an Augusta-Richmond County road, right-of-way and/or easement in carrying out its business by loading, unloading and/or transporting materials of any nature, whether on the road surface or on the paved or unpaved portion of a right-of-way and/or easement (including ditches or embankments).

§ 7-3-27. DEFINITIONS.

As used in this article, the term:

(a) *Access site*. Any temporary or permanent roadway, drive, structure, fill or device, existing or constructed, that is used or employed for the purpose of crossing, traveling upon or using an Augusta-Richmond County road, right-of-way and/or easement.

(b) *Augusta-Richmond County right-of-way*. For the purpose of this Ordinance, the entire right-of-way of any road (as defined herein), including without limitation the shoulder, front slope, ditch, drain, back slope, facility or any appurtenance of such road.

(c) *Heavy equipment and vehicle*. Any and all motorized devices in, upon or by which any person, material or property may be transported or drawn, including without limitation semitrailers, trailers, tractors, and truck tractors, provided, however, that heavy equipment and/or vehicles being used for the control or extinguishing of fire and/or flood control shall be exempt from this statute.

(d) *Loading and/or unloading* shall be defined by their everyday meanings, but also shall include any activity known as harvesting or mining of any product or material.

(e) *Operations*. Those activities contemplated by this article, including without limitation the loading, unloading and/or transporting of raw materials such as stone, metal, timber, oil, fill dirt, produce and kaolin.

(f) *Operator*. Any individual, partnership, corporation, association or private organization of any character, including without limitation said operator's agents and employees, carrying out the activities contemplated by this article.

(g) *Road*. Any Augusta-Richmond County-owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.

§ 7-3-28. COMMENCEMENT OF OPERATIONS.

(a) All persons engaging in operations using heavy equipment or vehicles in excess of three (3) tons on or across an Augusta-Richmond County road, right-of-way and/or easement must provide in writing to the Engineering Services department the following information at least 48 hours before commencing said operations:

(1) the name, address, and phone number of the party which will be carrying on said operations;

(2) the approximate location of access site(s) to the road or the approximate location of the right-of-way(s) and/or easements affected;

(3) the date operations are to commence;

(4) the estimated date all operations will be completed; and

(5) the name of the title owner of the tract of land on which operations shall occur;

(b) provided, however, that any Operator using Augusta-Richmond County roads, right-of-ways and/or easements more frequently than once each month in the same location shall be required to:

(1) provide this information to the Engineering Services department once each three (3) months;

(2) allow monthly inspections by the Engineering Services department of its operations; and

(3) pay to the Engineering Services department a user impact fee of Fifty and no/100 Dollars (\$50.00) per inspection in connection with said inspections.

§ 7-3-29. PERFORMANCE STANDARDS.

(a) *Loading and/or unloading.* All loading and/or unloading shall be conducted at a site outside the Augusta-Richmond County right-of-ways and behind the established ditch line of Augusta-Richmond County roads and/or easements.

(b) *Ditches and drainage structures.* Ditches and drainage structures within 50 feet of an access site and/or right-of-way and/or easement shall be kept clear of debris, soil and residue at all times to allow for proper drainage. Culverts shall be installed at access sites and/or temporary entrances, as needed, to facilitate proper drainage flow. Culvert openings shall be as approved by the Engineering Services department.

(c) *Warning signs.* Any Operator engaging in operations as defined herein shall be required to post warning signs at least 500 feet on all approaches to the location of operations, adequately warning oncoming traffic of persons, heavy equipment, vehicles or machinery entering the area.

(d) *Roadway.* Operators shall be responsible for keeping Augusta-Richmond County roads, right-of-ways and/or easements serviceable and clear of debris, soil, mud and/or other materials at all times to allow for the safe passage of school buses, emergency vehicles, mail carriers, and traffic of the general public.

(e) *Notifications upon completion of operations.* No later than 48 hours after completion of operations, Operator shall give written notification of such completion to the Engineering Services department. Within eight (8) days of receiving said notification of completion, the Engineering Services department shall cause a site inspection to be made by a designated official of said department, and shall provide written notice to the Operator as to whether the site is in proper repair. Should said written notice not be provided by the Engineering Services department within a reasonable time period, Operator shall not be held responsible or liable under this article.

(f) *Determination of proper state of repair; Appeal of determination.* If it is determined by the Engineering Services department during operations that any Augusta-Richmond County road, right-of-way and/or easement, or any access site, is not in a proper state of repair, a written notification of said determination shall be issued to the Operator. Any Operator receiving notification that a site is not in a proper state of repair (whether said notification is received during or at the completion of operations) shall have ten (10) days to correct the site or to appeal the determination of the Engineering Services department to

the Augusta-Richmond County Commission. Appeal shall be made by filing a notice of appeal with the Clerk of the Commission within said ten (10) day period. In the event of appeal, the Commission shall render a decision on the appeal at the next regular meeting of the Commission following receipt of the notice of appeal. The Commission may receive evidence on behalf of both the Operator and/or the Engineering Services department at the hearing of any appeal under this article.

(g) *Abatement; bonding requirement.* If repairs in accordance with subsection (f), above, are not made by Operator within ten (10) days of notification by the Engineering Services department, or within ten (10) days of a decision of the Commission adverse to the Operator, then the Commission shall cause the repairs to be made and shall tax the cost of the repairs against the Operator and the property in the same manner and under the same terms as the cost of other public improvements is taxed. The cost shall constitute a lien against the property, and the delinquent tax collector shall issue a fi.fa. in the name of the Augusta-Richmond County, acting by and through its Commission, for the cost, and, at the sole option of the Commission, levy the fi.fa. upon, and expose for sale, the property in the same manner as levies and sales under tax fi.fa.s are now executed. The Commission shall further require posting of a bond or letter of credit in an amount to be determined by the Commission after recommendation from the Engineering Services department for future operations on Augusta-Richmond County roads, right-of-ways and/or easements. Said bond will remain in force until the conclusion of operations with all access sites, roads, right-of-ways and/or easements being in satisfactory condition as prescribed by this Ordinance. At such time, said bond will be returned to Operator within ten (10) days.

§ 7-3-30. VIOLATION; PENALTY.

For all violations of this article besides failure to repair as addressed in subsections (f) and (g), above, the Engineering Services department shall make a case against the offending party and, upon trial and conviction, the offending party shall be punished as provided in § 1-6-1 of this Code.

ARTICLE 5

SOIL EROSION AND SEDIMENT CONTROL ORDINANCE

§ 7-3-31. TITLE.

This Ordinance will be known as "Augusta, Georgia Soil and Erosion and Sedimentation Control Ordinance." (Ord. # 6362, April 3, 2001)

§ 7-3-32. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

- (a) *Best Management Practices (BMP's).* A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.
- (b) *Board.* The Board of Natural Resources.
- (c) *Buffer.* The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (d) *Commission.* The State Soil and Water Conservation Commission.

(e) *Cut*. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as *excavation*.

(f) *Department*. The Department of Natural Resources.

(g) *Developer*. Refers to the person or persons, corporation, or other business applying for a permit to undertake land-disturbing activity and performing development within the scope of this article.

(h) *Development*. Refers to any activity which would alter the elevation of the land, remove or destroy plant life, cause structure of any kind to be installed, erected, or removed, or a change of any kind from conditions existing as of the effective date of this Ordinance unless such activity is exempted under § 7-3-33.

(i) *Director*. The Director of the Environmental Protection Division of the Department of Natural Resources.

(j) *District*. The Brier Creek Soil and Water Conservation District.

(k) *Division*. The Environmental Protection Division of the Department of Natural Resources.

(l) *Drainage structure*. A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

(m) *Existing grade*. The vertical location of the existing ground surface prior to cutting or filling.

(n) *Erosion*. The process by which land surface is worn away by the action of wind, water, ice or gravity.

(o) *Erosion and Sediment Control Plan*. A plan for the control of soil erosion and sedimentation resulting from land-disturbing activity. Also known as the *plan*.

(p) *Fill*. A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

(q) *Finished grade*. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

(r) *Grading*. Altering the shape of ground surfaces to predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filling condition.

(s) *Ground Elevation*. The original elevation of the ground surface prior to cutting or filling.

(t) *Issuing authority*. The governing authority of any county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended or the Division in those instances where an application for a permit is submitted to the Division.

(u) *Land-Disturbing Activity*. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 6.

(v) *Metropolitan River Protection Act (MRPA)*. A state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

(w) *Mulching*. Refers to the application of plant or other suitable materials in the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

(x) *Natural ground surface*. The ground surface in its original state before any grading, excavation or filling.

(y) *Nephelometric Turbidity Units (NTU)*. Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

(z) *One Hundred Year Flood Plain*. Land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year.

(aa) *Permit*. The authorization necessary to conduct land-disturbing activity under the provisions of this article.

(bb) *Person*. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

(cc) *Planning Commission*. The Augusta-Richmond County Planning Commission.

(dd) *Project*. The entire proposed development project regardless of the size of the area of land to be disturbed.

(ee) *Roadway Drainage Structure*. A device such as a bridge, culvert or ditch composed of a virtually nonerrodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

(ff) *Sediment*. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site origin by air, water, ice, or gravity as a product of erosion.

(gg) *Sedimentation*. The action or process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

(hh) *Soil and Water Conservation District Approved Plan*. An erosion and sedimentation control plan approved in writing by the Brier Creek Soil and Water Conservation District.

(ii) *Soil Erosion and Sediment Control Measures*. Refers to mechanical measures used to reshape the land to intercept, divert, convey, retard, or otherwise control runoff, including, but not limited to, land grading, bench terraces, subsurface drains, diversions, berms, storm sewers, outlets, waterway stabilization structures, lined channels, sediment and debris basin, and stream channel and bank stabilization; and vegetative measures to provide temporary cover to help control erosion during construction and permanent cover to stabilize the site after construction is complete.

(jj) *Soil Erosion and Sediment Control Plan or Plans*. Refers to the plan for the control of soil erosion and sedimentation resulting from land-disturbing activities.

(kk) *Stabilization*. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

(ll) *State waters*. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

(mm) *Structural Erosion and Sedimentation Control Practices*. Practices for the stabilization of erosive or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, diversions, grade stabilization structures, sediment traps, and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

(nn) *Trout streams*. All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

(oo) *Vegetative Erosion and Sedimentation Control Measures*. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

(pp) *Watercourse*. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which as a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

(qq) *Wetlands*. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

§ 7-3-33. EXEMPTIONS.

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (a) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "Mineral Resources and Caves Act";
- (b) Granite quarrying and land clearing for such quarrying.

(c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion.

(d) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens, turkeys; producing plants, trees, fowl, or animals, the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds.

(e) Forestry and land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs, (15) and (16) of § 7-3-34(c) of this Ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.

(f) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United State Department of Agriculture.

(g) Any project involving one and one-tenth (1.1) acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within two hundred (200) feet of the bank of any state waters; and for purposes of this paragraph, *state waters* excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth (1.1) acres or less, which involves land-disturbing activity, and which is within two hundred (200) feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Issuing Authority from regulating any such project which is not specifically exempted by paragraphs (a), (b), (c), (d), (e), (f), (h), or (j) of this section.

(h) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth in § 7-3-34(b) and (c) of this Ordinance; provided further that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb five or more contiguous acres of land shall be subject to provisions of code Section 12-7-7.1; and;

(i) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in § 7-3-34(b) and (c).

Where this section requires compliance with the minimum requirements set forth in § 7-3-34 (b) and (c) of this Ordinance, issuing Authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations of permit holders.

§ 7-3-34. MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES.

(a) *General provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this Ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sediment control plans. Soil erosion and sediment control measures and practices shall conform to the minimum

requirements of subparagraphs (b) and (c) of this section The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

(b) Minimum requirements/ BMP's.

(1) Best management practices as set forth in subparagraphs (b) and (c) of this Ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph 2 of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issues pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection, the terms *proper design* and *properly designed* mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24 hour rainfall event.

(2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director.

(3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

(4) The Director may require, in accordance with the regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

(c) The rules and regulations, ordinances, or resolutions adopted pursuant to this Chapter for the purpose of governing land-disturbing activities shall require, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

(2) Cut-fill operations must be kept to a minimum;

(3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.

(6) Disturbed soil shall be stabilized as quickly as practicable.

(7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.

(8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.

(9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basin, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;

(10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

(11) Cuts and fills may not endanger adjoining property;

(12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any such case, that such crossings are kept to a minimum;

(14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subparagraphs (b) subsection (2) of this section of this Ordinance;

(15) Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, the buffers of at least 25 feet established pursuant to Part 6 of Article 5 of Chapter 5 of Title 12, of the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer;

No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetation cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed, provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(16) There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12 of the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such

buffer:

No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: and

(d) Nothing contained in this article shall prevent an Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain requirements that exceed the minimum requirements in subparagraphs (b) and (c) of this section.

(e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this Ordinance or the terms of the permit.

§ 7-3-35. APPLICATION PROCESS.

(a) *General.* The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the Zoning Ordinance, Stormwater Management Ordinance, Subdivision Ordinances, this Ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Issuing Authority. However, the property owner is the only party that can obtain a permit

(b) *Application requirements.*

(1) No person shall conduct any land-disturbing activities within the jurisdictional boundaries of Augusta, Georgia without first obtaining a permit from the Augusta-Richmond County Planning Commission (the "Issuing Authority") to perform such activity.

(2) The application for a permit shall be submitted to the Augusta-Richmond County Planning Commission and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subparagraph (c) of this section of this Ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of § 7-3-34 (b) and (c) of this Ordinance. Applications for a permit will not be accepted unless accompanied by six (6) copies of the applicant's soil erosion and sedimentation control plans.

(3) A fee, in the amount of up to, but not exceeding, three thousand dollars (\$3000.00).

(4) Immediately upon receipt of an application and plan for a permit, the Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District and any variances required by § 7-3-34(c)(15), (16) and bonding, if required as per paragraph (5) below, have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.

(5)

a. If a permit applicant has had two (2) or more violations of previous permits, this Ordinance, or the Erosion and Sedimentation Act, as amended within three (3) years prior to the date of the filing of the application under consideration, the Issuing Authority may deny the permit application.

b. The Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding three thousand dollars (\$3,000.00) per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this Ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an Ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Issuing Authority with respect to the alleged permit violations.

(c) Plan requirements.

(1) Plans must be prepared to meet the minimum requirements as contained in § 7-3-34 (b) and (c) of this Ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the "Manual for Erosion and Sediment Control in Georgia" published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this Ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws.

(2) Data Required for Site Plan.

a. Narrative notes and other information; notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.

b. Description of existing land use at project site and description of proposed project.

c. Name, address, and phone number of the property owner.

d. Name and phone number of twenty-four-hour local contact who is responsible for erosion and sediment controls.

e. Size of project, or phase under construction, in acres.

f. Activity schedule; show anticipated starting and completion dates for project. Include the statement in bold letters, that *the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.*

g. Stormwater and sedimentation management systems' storage capacity, hydrologic study, and calculations, including off-site drainage area.

h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.

i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the "Manual for Erosion and Sedimentation Control in Georgia".

j. Maintenance statement: "Erosion and sedimentation control measures will be maintained at all times. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by on-site inspection.

(3) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain:

- a. Graphic scale and north point or arrow indicating magnetic north.
- b. Vicinity maps showing location of project and existing streets.
- c. Boundary line survey.
- d. Delineation of disturbed areas within project boundary.
- e. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, feet
1 inch = 100 ft. or larger scale	Flat 0 - 2 %	0.5 or 1
	Rolling 2 - 8%	1 or 2
	Steep 8 % +	2.5 or 10

f. Adjacent areas and features areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.

- g. Proposed structures or additions to existing structures and paved area.
- h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
- i. Delineate the specified horizontal buffer along designated trout streams, where applicable.

j. Location of erosion and sedimentation control measures and practices using coding symbols from the "Manual for Erosion and Sediment Control in Georgia", Chapter 6.

(4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(5) Plot plans for single family homes on individual lots shall illustrate the best management practices the contractor will implement during construction to prevent soil erosion and damage to adjoining properties as a result of erosion; the plot plan shall illustrate positive storm water drainage to an existing storm water structure; and the plot plan shall illustrate the method for permanently stabilizing the disturbed soil upon completion of construction.

The following shall be illustrated on residential plot plans.

a. Contractors name.

b. Street name and property address.

c. Lot dimensions drawn to scale.

d. All drainage and utility easements.

e. Existing drainage swales.

f. Footprint of building.

g. Building setback dimensions.

h. Best management practices to be implemented:

1. Sediment barriers.

2. Proposed drainage swales.

3. Construction exit.

4. Maintenance.

i Positive storm water drainage from the lot to an existing storm water structure, direction of flow to be indicated by arrows. Existing storm water structure includes paved streets, drainage structure inlets, drainage ditches, and swales.

j How disturbed soils will be permanently stabilized.

k 100-Year floodplain data.

l Existing structures on property.

(d) Permits.

(1) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Issuing Authority of a completed application, providing variances and bonding obtained, where necessary. Permits for residential construction on individual lots shall be issued or denied as soon as practicable by the License and Inspection Department.

(2) No permit shall be issued by the Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this Ordinance, any variances required by section § 7-3-34(c)(15) and (16) are obtained, bonding requirements, if necessary, as per subparagraph (b)

subsection(5b) of this section are met and all ordinances and rules and regulations in effect within the jurisdiction boundaries of the Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(4) The permit may be suspended, revoked or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(5) No permit shall be issued unless the applicant provides a statement by the Richmond County Tax Commissioner certifying that all ad valorem taxes levied against the property and due and owing have been paid.

§ 7-3-36. INSPECTION AND ENFORCEMENT.

(a) The Augusta Public Works and Engineering Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance.

(1) Residential Construction of Individual Lots: The License and Inspection Department will inspect for compliance with this Ordinance for residential construction on individual lots. If a project is deemed not to be in compliance with the approved plot plan, the contractor will be issued a written notice to comply with the approved plot plan. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the contractor engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter.

(b) The Augusta Public Works and Engineering Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

(c) No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials; nor shall any persons obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(d) The District or the Commission, or both, shall periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). The Districts or Commission, or both, may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

(e) The Division may periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the District and the Governing Authority. If such review indicates that the Governing Authority of any county or municipality certified

pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(d), the Division shall notify the Governing Authority of the county or municipality in writing. The Governing Authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as an Issuing Authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the Division, the Division may revoke the certification of the county or municipality as an Issuing Authority.

§ 7-3-37. PENALTIES AND INCENTIVES.

(a) Failure to obtain a permit for land-disturbing activity. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.

(b) Stop-work orders.

(1) For the first and second violations of the provisions of this Ordinance, the Director of the Issuing Authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Director of Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

(2) For a third and each subsequent violation, the Director or Issuing Authority shall issue an immediate stop-work order; and;

(3) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

(c) Bond forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance and, in addition to other penalties, shall be deemed to have forfeited his Performance Bond, if required to post one under the provisions of § 7-3-35(b)(5b). The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

(d) Monetary Penalties.

(1) Except as provided in paragraph (2) of this subsection, any person who violates any provisions of this Ordinance, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent trying cases brought as violations of this Ordinance under county ordinances approved under this Ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(2) The following penalties shall apply to land-disturbing activities performed in violation of any provision of this Ordinance, any rules or regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Ordinance;

a. there shall be a minimum penalty of \$250.00 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy; and;

b. there shall be a minimum penalty of \$1,000.00 per day for each violation involving land-disturbing activities other than as provided in subsection (a) of this paragraph.

§ 7-3-38. ADMINISTRATIVE APPEAL; JUDICIAL REVIEW.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with conditions of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Augusta-Richmond County Commission within thirty (30) days after receipt by the Issuing Authority of written notice of appeal.

(b) *Judicial review.* Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal *denovo* to the Superior Court of Richmond County, Georgia.

§ 7-3-39. EFFECTIVITY, VALIDITY, AND LIABILITY.

(a) *Effectivity* This ordinance shall become effective on the 3rd day of April, 2001.

(b) *Validity.* If any section, paragraph, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this Ordinance.

(c) *Liability.*

(1) Neither the approval of a plan under the provisions of this Ordinance, nor the compliance with provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Issuing Authority or District for damage to any person or property.

(2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Ordinance or the terms of the permit.

(3) No provision of this Ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the State as defined thereby.

ARTICLE 6

GRADING PERMIT

§ 7-3-40. STATEMENT OF PURPOSE.

Soil erosion and sediment deposition onto lands and into waters in Augusta, Georgia are occurring as a result of land clearing, excavation, filling, grading, and construction activities. Such erosion and sediment deposition results in pollution of Augusta, Georgia waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses.

This Ordinance provides rules and regulations for excavation, filling, and grading activities within Augusta, Georgia and provides for administration and enforcement of said rules and regulations.(Ord. # 6166, June 1, 1999).

§ 7-3-41. DEFINITIONS.

Unless the context otherwise requires, the following terms, as used in this Ordinance, are defined as follows:

Excavation - mechanical removal of earth material.

Fill - the deposit of earth material placed by artificial means.

Grading - any excavation or filling or combination thereof.

§ 7-3-42. EXEMPTIONS.

No excavation, filling, or grading shall be conducted within Augusta, Georgia , except for those activities as provided below, without first securing a permit as required by this Ordinance. The following activities are exempted from the provisions of this Ordinance.

Minimum land disturbing activities such as house gardens, and individual home landscaping, repairs, maintenance work and other related activities;

Agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting (where stumps are not removed), farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings;

Projects carried out under the technical supervision of the Soil Conservation Service of the U.S. Department of Agriculture;

Excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure;

Cemetery graves;

Approved refuse disposal sites controlled by other regulations;

Excavations for wells or tunnels or utilities;

Approved mining, quarrying, excavation, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and

provided for by law, provided such operations do not affect the lateral support or increase the stress in or pressure upon any adjacent or contiguous property;

Exploratory excavations under the direction of soil engineers or engineering geologists.

§ 7-3-43. PERMIT PROCEDURES.

(a) Except as exempted in § 7-3-42, no person shall do any excavation, filling, or grading without first obtaining a grading permit from the Augusta-Richmond County Planning Commission. A separate permit shall be required for each site.

(b) Where a new single family residential building is to be immediately constructed or where a manufactured home is to be placed on a parcel, an individual plot plan pursuant to the Soil Erosion and Sediment Control Ordinance § 7-3-35 (b) (1) shall be provided and reviewed by the License and Inspections Department before a building permit is issued for a single family residential building or before a certificate of occupancy is issued for a manufactured home.

(c) To obtain a permit for a residential lot in an approved subdivision where grading is to be conducted but a home is not to be immediately constructed, the applicant shall phone or visit the Augusta-Richmond County Planning Commission to obtain a permit number. Information required for each residential grading site shall be:

(1) Lot number, block number, subdivision name, tax parcel number (if available) and street address or similar description that will readily identify and locate the proposed grading activity;

(2) Lot owner;

(3) Contractor performing the grading activity;

(4) Name, address and phone number of person making the application;

(5) Estimated start and completion dates.

In all other areas, to obtain a permit for grading activities where no new building construction (residential or commercial) is immediately imminent, the applicant shall submit a Grading Plan per the requirements of § 7-3-44 of this Code.

(d) A Site Plan will also be required for commercial development not specifically exempted in § 7-3-42. The Augusta-Richmond County Planning Commission staff shall review each application for a Site Plan under this Ordinance, and determine whether said application is in conflict with other Ordinances of the Augusta-Richmond County Code, such as those relative to Zoning, Subdivision of Land, Soil Erosion and Floodplain Management. Unless exempted elsewhere in this Ordinance, a Grading Plan will be required.

(e) Site activity involving land disturbance greater than 1.1 acre shall also be required to submit a Soil Erosion Sediment Control Plan per the provisions of § 7-3-31 et seq. of the Augusta-Richmond County Code

(f) A Site Plan/Grading Plan/Soil Erosion Plan will be reviewed by the appropriate reviewing agencies for compliance with Augusta-Richmond County Code and a grading permit will be issued upon approval from said reviewing agencies.

§ 7-3-44. GRADING PLAN REQUIREMENTS

(a) Grading Plans shall be drawn to scale no smaller than one inch equals 100 feet. Where large sites are being planned, they

may be drawn on one or more sheets. No drawing shall exceed 36 inches by 48 inches in size.

(b) The following information shall be included on each Grading Plan:

(1) Name of development

(2) Owner (name, address, and telephone number)

(3) Developer (name, address and telephone number)

(4) Date plan drawn, and revision dates as applicable

(5) Seal and signature of a registered engineer

(6) North arrow with reference

(7) Scale (no less than 1" = 100')

(8) Tax parcel number

(9) Zoning classification

(10) Use and zoning of all adjacent parcels with owner(s) name(s)

(11) Existing and proposed elevations referenced to mean sea level, with a contour interval of 2 feet, accurate to one-half contour to indicate surface drainage patterns

(12) Source of datum (benchmark used: GS benchmark, if available), and location of BM or TBM at the site

(13) Existing pavement width and right-of-way width of any existing streets adjacent to the development and distances to nearest intersection

(14) Acreage of property to be developed

(15) Location sketch (scale no less than 1" = 2000')

(16) Heavy outline of 100 year flood plain and note thereof. Any disturbances within flood plain limits must comply with the City Flood Ordinance. If the property is not in a 100 year flood plain then write a note stating that.

§ 7-3-45. PLACARD.

(a) No placard is required for residential lots in an approved subdivisions; however a permit number is required per the phone-in procedures listed elsewhere in this Ordinance.

(b) When a Site Plan application is approved pursuant to this Ordinance, a placard shall be presented to the applicant illustrating the permit number, name of the applicant and the location and description of the permitted activity. Such placard shall be provided free of charge and shall be placed on the site in a conspicuous place visible from nearby streets or roads before work

commences.

§ 7-3-46. INSPECTION AND REVOCATION.

The City Engineer shall be responsible for inspecting or requiring inspection of work being performed under the requirements of this Ordinance. Permits issued under the provisions of this Ordinance may be suspended, revoked or modified upon a finding that the activity of the holder is not consistent with information provided in his permit application.

§ 7-3-47. ENFORCEMENT.

It shall be the duty of the City Engineer to enforce the provisions of this Ordinance within Augusta, Georgia. This enforcement shall be in the manner and form with the powers provided in the Laws of the State and in the Augusta-Richmond County Code. Violations of the provisions of this Ordinance shall be called to the attention of the County Attorney, who shall immediately institute injunctions, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such violations. Any property owner who may be damaged by any violation of this Ordinance may also institute such action. Any person or corporation, whether as principal, agent, employee, or otherwise, who violates any provision of this Ordinance shall be guilty of an offense and upon conviction shall be punished as provided in Augusta-Richmond County Code § 1-6-1.

§ 7-3-48. LICENSE REQUIRED.

Contractors or builders conducting excavation, grading, and filling projects in Augusta, Georgia that are not exempted under the provisions of this Ordinance shall comply with § 2-1-1 et seq. of the Augusta-Richmond County Code.

§ 7-3-49. CONFLICT WITH OTHER LAWS.

No provision of this Ordinance shall authorize any person to violate, or to pollute any waters of the State of Georgia as defined by any provisions of the "Water Quality Control Act" (Georgia Laws, 1964, p. 416), as now or hereafter amended, or the rules and regulations promulgated and approved thereunder nor shall this Ordinance release any person from legal obligations embodied in any other Federal, State or Local laws or ordinances.

§ 7-3-50. APPEAL PROCEDURE.

Any person aggrieved by a decision or order of the issuing authority to the requirements of this Ordinance shall first present the grievance to the issuing authority for a hearing within thirty days (30) of the decision or order and lacking a satisfactory settlement shall then have the right to appeal de novo to the Superior Court of Richmond County. Appeals to Superior Court must be filed within thirty (30) days of the date of the decision of the issuing authority; and upon failure to file said appeal within thirty (30) days, the decision of the issuing authority shall be final.

§ 7-3-51. SEVERABILITY.

Any clause or provision of this Ordinance declared invalid shall not affect the validity of the Ordinance as a whole or any part thereof.

CHAPTER 4

HISTORIC PRESERVATION

ARTICLE 1

IN GENERAL

§ 7-4-1. PURPOSE.

The historical, cultural and architectural heritage of Augusta-Richmond County is among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. Therefore, in order to stimulate revitalization of the business districts and historic neighborhoods of Augusta-Richmond County, and to protect and enhance local historical, cultural, and architectural attraction to tourists and thereby promote and stimulate business; in order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; in order to promote the reuse and recycling of existing building stock in Augusta-Richmond County and thereby conserve increasingly scarce landfill space and valuable natural resources.

The Augusta-Richmond County Commission hereby declares it to be the purpose and intent of this Chapter to establish a uniform procedure for the protection, enhancement, and perpetuation of places, districts, buildings, structures, objects, landscape features and works of art having a historical, cultural or architectural interest or value.

§ 7-4-2. DEFINITIONS.

(a) *Certificate of appropriateness.* A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

(b) *Exterior architectural features.* The architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, roofing and other appurtenant architectural features, details or elements relative to the foregoing.

(c) *Exterior environmental features.* All those aspects of the landscape or the development of a site which affect the historical character of the property.

(d) *Historic district.* A geographically definable area designated by the Commission as a historic district pursuant to the criteria established in § 7-4-13 of this Chapter.

(e) *Historic property.* An individual building, structure, site, object or work of art, and may include the adjacent area necessary for the proper appreciation thereof, designated by the Commission as a historic property pursuant to the criteria established in § 7-4-14 of this Chapter.

(f) *Material change in appearance.* A change that will affect the exterior architectural or environmental features of any building, structure, site, object, landscape feature or work of art within a historic property or within a historic district, such as:

(1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

(2) Demolition or relocation of a historic structure;

(3) Commencement of excavation for construction purposes;

(4) A change in the location of advertising visible from the public right-of-way;

(5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

ARTICLE 2

HISTORIC PRESERVATION COMMISSION

§ 7-4-3. CREATION.

There is hereby created a commission whose title shall be *The Augusta-Richmond County Historic Preservation Commission*, hereinafter referred to as *Historic Preservation Commission*.

§ 7-4-4. MEMBERS--APPOINTMENT; QUALIFICATIONS; TERMS AND COMPENSATION.

(a) The Commission shall consist of ten (10) members (plus an additional two members should the Richmond County Delegation choose to appoint two members) to be appointed for four (4) year terms. All members shall be residents of Augusta-Richmond County. Nominations shall be solicited from the Board of Trustees of Historic Augusta, Inc. from at-large community recommendations.

(b) To the extent available, at least five (5) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, historic preservation or related disciplines. The remaining members may be nonprofessionals, but must have demonstrated special interest, experience or education in regional history, historic architecture or the preservation of historic resources.

(c) Except as provided herein, members of the City of Augusta Historic Preservation Commission and members of the Richmond County Historic Preservation Commission who were serving on said commissions on January 1, 1997, all having had their terms expire, shall serve until their successors are appointed and qualified. Two of the existing members shall have their terms terminate on March 31, 1997.

(d) The following members of said Commissions shall continue to serve until their successors are appointed by the Commissioner representing the respective District, and qualified, and are to represent the districts as herein set forth, to wit:

- (1) Isaac Johnson District 1
- (2) Addie Powell District 2
- (3) Carl Drennon District 3
- (4) Brian Halterman District 4
- (5) Paul Gonzalez District 5
- (6) William Dozier District 6
- (7) Pat Blanchard District 7
- (8) James Carter District 8
- (9) Al Cheatham District 9
- (10) Thomas Robertson District 10

(e) The successors to the members representing Districts 1, 3, 5, 7, and 9 shall serve until April 1, 1998, or until their successors are appointed and qualified.

(f) The successors to the members representing Districts 2, 4, 6, 8, and 10 shall serve until April 1, 2000, or until their successors are appointed and qualified.

(g) Members of the Historic Preservation Commission appointed by the Commissioner of the respective Districts to succeed those appointed in subsection (e) and (f) hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(h) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointing authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(i) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(j) Members shall not receive a salary, although they may be reimbursed for expenses.

(k) Members who fail to attend three (3) consecutive Historic Preservation Commission meetings will forfeit their seat upon the Commission. Commission By-Laws may provide for the conditions of excused absence from Commission meetings.

(l) In the event that vacancies upon the Historic Preservation Commission for any period of time remain unfilled, a Historic Preservation Commission consisting of six (6) or more members may exercise all powers delegated to the Historic Preservation Commission under this Chapter, until the vacancies are filled.

§ 7-4-5. STATEMENT OF POWERS.

The Historic Preservation Commission shall be authorized to:

(a) Prepare and maintain an inventory of all property within Augusta-Richmond County, Georgia, having the potential for designation as a historic property. This inventory may be maintained in conjunction with Historic Augusta, Inc. or an independent organization with similar purposes;

(b) Recommend to the Commission specific places, districts, sites, buildings, structures, objects or works of art to be designated by ordinance as historic properties or historic districts;

(c) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Chapter;

(d) Recommend to the Commission that the designation of any place, district, site, building, structure, object or work of art as a historic property or as a historic district be revoked or removed;

(e) Restore or preserve any historic properties owned by Augusta-Richmond County, Georgia as authorized by Commission;

(f) Promote the acquisition of facade easements and conservation easements by the Commission in accordance with the provisions of the *Facade and Conservation Easements Act of 1976*, as amended (O.C.G.A. §§ 44-10-1 through 44-10-5);

(g) Conduct educational programs on historic properties located within Augusta-Richmond County, Georgia and on general historic preservation activities;

(h) Make such investigations and studies of matters relating to historic preservation, including consultation with historic preservation experts, as the Commission or the Historic Preservation Commission itself may, from time to time, deem necessary or appropriate for the purposes of this Chapter;

(i) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the Commission concerning the most appropriate uses of any funds acquired;

(j) Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic

properties or historic districts designated;

(k) Perform historic preservation activities as the official agency of the Augusta-Richmond County historic preservation program.

(l) Employ and compensate persons, as authorized by Commission, to carry out responsibilities of the Historic Preservation Commission;

(m) Elect from among its members, a member or members to carry out responsibilities of the Commission;

(n) Receive donations, grants, funds or gifts of historic property and acquire and sell historic properties on behalf of the Commission. In regard to such historic property, the Commission shall not obligate the Historic Preservation Commission without prior consent;

(o) Review the nomination of historic properties or historic districts to the National Register of Historic Places and Georgia Register of Historic Places and make comments upon such nominations to the Historic Preservation Section of the Department of Natural Resources;

(p) Participate in private, state and federal historic preservation programs and with the consent of the Commission enter into agreements to do the same;

(q) Advise the appropriate officials of the Augusta-Richmond County Fire Department as to the utilization of *alternative compliance concepts* for historic properties pursuant to O.C.G.A. §§ 8-2-200 through 8-2-222 and O.C.G.A. § 25-2-13 where these code sections have been made applicable to historic properties in Augusta-Richmond County. Said advice will ensure that compliance with state and local fire prevention laws is accomplished while maintaining the highest degree of historic integrity in affected historic properties;

(r) Issue Citations for violations of this Chapter;

(s) Petition the appropriate court to enjoin actions in violation of this Chapter;

(t) Institute any other appropriate action to enforce compliance with the terms of this Chapter;

(u) Exercise all other powers implicit or explicit in any other provision of this Chapter.

§ 7-4-6. POWER TO ADOPT RULES AND STANDARDS.

The Historic Preservation Commission shall adopt rules and standards for the transaction of its business, for consideration of applications for designations and certificates of Appropriateness, including, By-laws, membership provisions, and design guidelines. The Historic Preservation Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Historic Preservation Commission shall select such officers as it deems appropriate from among its members. The Chairman of the Historic Preservation Commission shall be entitled to vote upon any issue, motion or resolution, as any other member. (Ord. # 5971, October 21, 1997)

§ 7-4-7. CONFLICT OF INTEREST.

At any time the Historic Preservation Commission is to undertake any official action which will affect a monetary or other vested interest of a member of the Historic Preservation Commission, that member shall reveal the existence of that interest to the Historic Preservation Commission at the next meeting thereof after the member becomes aware of the conflict of interest and shall abstain from voting on that matter. The ownership of property by a Historic Preservation Commission member within a proposed historic district containing twenty-five or more separately-owned parcels of property shall not be such an interest as to invoke the prohibitions of this Section.

At any time the Historic Preservation Commission reviews a project in which a member of the Historic Preservation Commission has an ownership or other vested interest, that member shall be forbidden, as a Commission member, from voting or discussing the project, other than answering a direct question.

§ 7-4-8. HISTORIC PRESERVATION COMMISSION'S AUTHORITY TO RECEIVE FUNDING FROM VARIOUS SOURCES.

The Historic Preservation Commission shall have the authority to accept donations and shall insure that these funds do not displace appropriated governmental funds.

§ 7-4-9. RECORDS OF HISTORIC PRESERVATION COMMISSION MEETINGS.

A public record shall be kept of the Historic Preservation Commission's resolutions, proceedings and actions. This public record may consist of an ordinary tape recording or from time to time, at the discretion of the Commission, may be supplemented by the use of a court reporter or such other written record as the Commission may establish.

§ 7-4-10. ATTENDANCE OF LAW ENFORCEMENT OFFICER AT HISTORIC PRESERVATION COMMISSION MEETINGS.

An officer of the Richmond County Sheriff's Department shall be in attendance at Historic Preservation Commission meetings, at the behest of the Commission, in order to assure the orderliness of the proceedings.

§ 7-4-11. DUTIES OF COMPTROLLER.

The Augusta-Richmond County comptroller shall provide the Historic Preservation Commission with the necessary tax information to facilitate the purposes of this Chapter and shall see that this information is kept current.

RECOMMENDATION AND DESIGNATION OF HISTORIC DISTRICTS AND PROPERTIES

§ 7-4-12. PRELIMINARY RESEARCH BY COMMISSION.

(a) The Historic Preservation Commission may compile and collect information and conduct surveys of historic resources within Augusta-Richmond County.

(b) The Historic Preservation Commission may present to the Commission recommendations for the designation of historic districts and properties.

(c) Prior to the Historic Preservation Commission's recommendation of a historic district or historic property to the Commission for designation, the Historic Preservation Commission shall prepare a report consisting of:

(1) a physical description;

(2) a statement of the historical, cultural, and/or architectural significance of the proposed historic district or historic property, except that such statement of significance will not be required in the case of a historic property or district already listed upon the National Register of Historic Places, or upon the Georgia Register of Historic Places;

(3) a map showing the proposed historic district boundaries and the classification (i.e. contributing/historic, contributing/non-historic, noncontributing) of individual properties therein, or a map showing the boundaries of the proposed historic property;

(4) a statement justifying historic district or individual historic property boundaries, except that such statement in justification will not be required if such proposed boundaries are the same as those embraced within the listing of the district or property upon the National Register of Historic Places or Georgia Register of Historic Places; and

(5) representative photographs. (Ord. 5927, May 19, 1997)

§ 7-4-13. DESIGNATION OF A HISTORIC DISTRICT.

(a) *Criteria for selection of historic districts.* A historic district is a geographically definable area which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:

(1) have special character or historic, cultural or architectural, value or interest;

(2) represent one or more periods, styles or types of architecture typical of one or more eras in the history of Augusta-Richmond County or the state or region;

(3) cause such area, by reason of such factors, to constitute a visibly perceptible section of Augusta-Richmond County;

(4) a district, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic district under this ordinance.

(b) *Boundaries of a historic district.* The boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of Augusta-Richmond County, Georgia. Said boundaries, as depicted on said map, shall constitute the official description of said historic districts for the purposes of this Chapter and for the purposes of the separate ordinances designating such districts.

In the event that the official zoning map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic district, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic district. In this case the map so identified by the Commission shall constitute the official description of said historic district for the purposes of this Chapter and for the purposes of the separate ordinance designating such district.

(c) *Evaluation of properties within historic districts.* Individual properties within historic districts shall be classified as:

(1) contributing/historic (contributes to the district in terms of design, historical association, and/or setting);

(2) contributing/non-historic (a property less than fifty years old which compliments and does not detract from the overall character of the district in terms of design, historical association, and/or setting);

(3) non-contributing (a property which detracts from the district in terms of design, style, building type, historical association, and/or setting). (Ord. 5927, May 19, 1997)

§ 7-4-14. DESIGNATION OF A HISTORIC PROPERTY.

(a) *Criteria for selection of historic properties.* A historic property is a building, structure, site, object or work of art which may include the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation for reason of value to Augusta-Richmond County, the State of Georgia, or this Geographical region, for one of the following reasons:

(1) it is an outstanding example of a structure representative of its era;

(2) it is one of the few remaining examples of past architectural style;

(3) it is a place or structure associated with an event or person of historic or cultural significance to Augusta-Richmond County, Georgia, or to the state, region or nation;

(4) it is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Augusta-Richmond County, Georgia, or of the state, region or nation;

(5) a property, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic property.

(b) *Boundary description.* A description of the boundaries shall be included in the separate ordinances designating such properties and the boundaries shall be depicted on the official Zoning Map of Augusta-Richmond County, Georgia. Said boundaries, as depicted on said map, shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinances designating such properties.

In the event that the official Zoning Map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic property, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic property. In this case the map so identified by the Commission shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinance designating such property. (Ord. 5927, May 19, 1997)

§ 7-4-15. REQUIREMENTS FOR ADOPTING AN ORDINANCE FOR THE DESIGNATION OF HISTORIC DISTRICTS AND HISTORIC PROPERTIES.

(a) *Application for designation of historic districts or historic property.* Designations may be proposed by the Commission, the Historic Preservation Commission or:

(1) for historic districts - a preservation organization, historical society, neighborhood association or group of property owners may apply to the Commission for designation;

(2) for historic properties - a preservation organization, historical society, neighborhood association or property owner may apply to the Commission for designation.

(b) *Required components of an ordinance.* Any ordinance designating any property or district as historic shall:

(1) describe the area encompassed within the proposed historic district or describe the proposed individual historic property;

(2) reference the name(s) of the owner(s) of the designated property or properties as shown on the official Augusta-Richmond County tax records at the time of the adoption of the ordinance. In the event that the official tax records, for whatever reason, do not encompass the property or properties proposed for designation, the record owner(s) of the property, as determined by a title investigation conducted to appropriate legal standards under Georgia law, shall be referenced;

(3) require compliance with the provisions of this Chapter; and

(4) require that the property or district be shown on the official zoning Map of Augusta-Richmond County, Georgia, or such other official map as identified by the Commission pursuant to § 7-4-13 or 7-4-14 hereof.

(c) *Required public hearing and notices.* The Historic Preservation Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties that are affected. This notice: (i) shall contain the time and place for the hearing, (ii) shall reference this Chapter, (iii) shall describe the fact that the establishment of a historic district or historic property pursuant to this Chapter has been proposed, and (iv) shall generally describe the area encompassed by the historic district or historic property proposed. All such notices shall be published or mailed not less than fifteen (15) days nor more than forty-five (45) days prior to the date set for the public hearing. A notice sent via the United States mail to the last owner of record of the property shown on the official Augusta-Richmond County tax records or record owner of the property, and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Chapter.

(d) *Recommendations on proposed designations.* A recommendation to adopt, to adopt in modified form, or to reject the proposed ordinance shall be made by the Commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the Commission.

(e) *Commission action on Commission recommendation.* Following receipt of the Historic Preservation Commission's recommendation, the Commission may adopt the ordinance as proposed, reject the ordinance, or, after consultation with the Commission, may adopt the ordinance with any modifications it deems necessary.

(f) *Notification of the State Historic Preservation Section.* Prior to making a recommendation on any ordinance designating a property or district as historic, the Historic Preservation Commission may transmit the report required at § 7-4-12 of this Code to

the Historic Preservation Section of the Georgia Department of Natural Resources.

(g) *Notification of adoption of ordinance for designation.* Within thirty (30) days following the adoption of the ordinance for designation by the Commission, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, and all building contractors licensed in Augusta-Richmond County, shall be given written notification of such designation by the Commission, which notice shall apprise said owners, occupants, and contractors of the necessity of compliance with this Chapter and specifically, the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via United States Mail to the last known owner of the property shown on the official Augusta-Richmond County tax records and, where different from the address of such record tax owner, a notice sent via United States Mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Chapter. Building contractors, licensed in Augusta-Richmond County shall similarly be notified as aforesaid, but failure of such building contractor to be sent such notice shall in no way affect the validity of an ordinance for designation.

(h) *Notification of other agencies regarding designation.* The Historic Preservation Commission shall notify all affected agencies within Augusta-Richmond County of the ordinance for designation, as well as the local neighborhood, historical and preservation organizations. Failure of such agencies or organizations to receive such notification shall in no way affect the validity of such ordinance for designation.

(i) *Moratorium on applications for alteration or demolition while ordinance for designation is pending.* If the procedure for the designation of an historic district or historic property has been initiated as provided for in this Section, the Commission shall have the power to recommend to the Building Inspector a moratoria on the issuance of building permits and demolition permits involving the property or properties proposed for designation.

(j) *Authority to rescind designation.* The Commission has the authority to rescind the ordinance designating a historic district or historic property following receipt of a recommendation from the Commission, provided that a public hearing has been held by the Historic Preservation Commission, prior to the Commission's recommendation, providing the opportunity for public comment. Notification for such public hearing shall be the same as provided for in § 7-4-15 hereof. (Ord. 5927, May 19, 1997)

ARTICLE 4

APPLICATION TO PRESERVATION COMMISSION

FOR CERTIFICATE OF APPROPRIATENESS

§ 7-4-16. APPROVAL OF ALTERATIONS OR NEW CONSTRUCTION IN HISTORIC DISTRICTS OR INVOLVING HISTORIC PROPERTIES.

After the designation by ordinance of a historic property or of a historic district, no material change in the exterior appearance of a structure, site, object or work of art within such historic property or property within such historic district, shall be made or be permitted to be made unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission.

§ 7-4-17. APPROVAL OF NEW CONSTRUCTION WITHIN DESIGNATED DISTRICTS.

The Historic Preservation Commission shall issue Certificates of Appropriateness for new structures constructed within designated historic districts or upon the grounds of a designated historic property if these structures conform in design, scale, building materials, setback and landscaping to the character of the historic district or property or as specified in the design criteria once developed or adopted by the Commission.

§ 7-4-18. GUIDELINES AND CRITERIA FOR CERTIFICATES OF APPROPRIATENESS.

When considering applications for Certificates of Appropriateness impacting existing buildings, the Secretary of the Interior's *Standards for Historic Preservation Projects* including the Secretary's *Standards for Rehabilitation*, as revised as of the date of application for a Certificate of Appropriateness, shall be used as a criteria for design review along with any other standards or design review guidelines once developed or adopted by the Commission for use in reference to specific historic districts or historic properties. When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its membership on any application, within approved budgetary limitations.

§ 7-4-19. ISSUANCE OF BUILDING AND DEMOLITION PERMITS.

Building Permits And Demolition Permits must not be issued until the issuing official has examined the official Historic District and Historic Property Map to see if the property is affected by historic designation. If the property is so affected, the issuing authority must direct the applicant to the Commission to apply for a Certificate of Appropriateness. The subsequent issuance of a Building Permit or Demolition Permit shall be contingent upon the obtention of a Certificate of Appropriateness for the proposed change.

§ 7-4-20. SUBMISSION OF PLANS TO COMMISSION.

An application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the Historic Preservation Commission. Applications involving demolition or post-relocation shall be accompanied by post-demolition or relocation plans for the site. The Historic Preservation Commission shall not require that the plans and specifications be prepared by professionals, but only that such documentation be prepared in such a way as to be easily understood by the Commission members.

§ 7-4-21. ACCEPTABLE COMMISSION REACTION TO APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.

(a) The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the historic or architectural significance, integrity, and value of the historic property or property within a historic district. In making this determination, the Historic Preservation Commission shall consider the factors described in §§ 7-4-17 and 7-4-18 above, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.

(b) The Historic Preservation Commission shall deny a certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the historical or architectural significance, integrity and value of the historic property or property within the historic district, based upon those same factors as described in § 7-4-21 (a) above.

§ 7-4-22. HEARINGS ON APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS, NOTICES, AND RIGHT TO BE HEARD.

At least fifteen (15) days and no more than forty-five (45) days prior to the review of a Certificate of Appropriateness, the

Commission shall take action as follows to inform interested parties, and shall give the applicant and interested parties an opportunity to be heard at the Historic Preservation Commission meeting where the request for a Certificate of Appropriateness is to be considered:

(a) The Historic Preservation Commission shall cause a sign to be posted upon the parcel of property subject of the application at least fifteen (15) days before the meeting of the Historic Preservation Commission where the application is to be considered, said sign to remain in place substantially until the time of said meeting. Said sign shall state:

(1) the fact that an application for a Certificate of Appropriateness pursuant to the Historic Preservation ordinance has been filed for the posted property;

(2) the name of the applicant; and

(3) the time and place of the Historic Preservation Commission meeting where the application is to be considered. The sign may contain such other information as the Historic Preservation Commission may deem appropriate. The overall design and size of such sign shall be of such character as to be likely to attract the eye of passersby.

(b) At its discretion, the Historic Preservation Commission may, in its bylaws, or on a case by case basis, undertake to provide such other notice as it deems appropriate.

§ 7-4-23. INTERIOR ALTERATIONS.

In review of applications for Certificates of Appropriateness, the Historic Preservation Commission shall not consider interior arrangement, use or decoration, having no effect on exterior architectural features, whether or not visible from the exterior of the structure.

§ 7-4-24. TECHNICAL ADVICE.

When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its members on any application and within approved budgetary limitations.

§ 7-4-25. DEADLINE FOR APPROVAL OR REJECTION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

(a) The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property or structure, site, object or work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the commission. Notice of the issuance or denial of A Certificate of Appropriateness shall be sent via United States Mail to the applicant.

(b) Failure of the Historic Preservation Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

§ 7-4-26. NECESSARY ACTIONS TO BE TAKEN BY COMMISSION UPON REJECTION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

(a) In the event the Historic Preservation Commission rejects an application for a Certificate of Appropriateness, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons in writing to the applicant. The Historic Preservation Commission may suggest alternatives it believes would ensure approval if it disapproves of the application as submitted. The applicant, if he or she so desires, may make modifications to the plans and, after making such modifications, may

re-submit the application at any time after doing so. Rejected applications, unless modified in a good faith effort to comply with the provisions of this Chapter and the findings of the Historic Preservation Commission, may not be re-submitted for one (1) year following rejection.

(b) In cases where the application for a Certificate of Appropriateness concerns a proposed change in a structure which would require the obtention of a building permit, the rejection of the application for a Certificate of Appropriateness by the Historic Preservation Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

§ 7-4-27. UNDUE HARDSHIP.

Where, by reason of unusual circumstances, the strict application of any provision of this Chapter would result in exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Chapter. An undue hardship shall not be a situation of the person's own making.

§ 7-4-28. REQUIREMENT OF CONFORMANCE WITH CERTIFICATE OF APPROPRIATENESS.

(a) All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(b) Where this ordinance would require the obtention of a Certificate of Appropriateness and work upon a structure is undertaken without a Certificate of Appropriateness having been obtained, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(c) Work which constitutes a violation of § 7-4-28 (a) or (b) above or the failure to obey a cease and desist order issued pursuant to this Chapter shall constitute a separate and continuing violation of this Chapter.

(d) The Commission or the Historic Preservation Commission shall be authorized to institute any appropriate action or proceeding in any court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or property within a historic district, not made in compliance with the provisions of this Chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(e) The Commission, including its various departments, authorities, commissions, committees and boards, shall be bound by the requirements of this article.

§ 7-4-29. CERTIFICATE OF APPROPRIATENESS VOID IF WORK NOT COMMENCED.

A Certificate of Appropriateness shall become void unless work is commenced within six (6) months of the date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable.

§ 7-4-30. RECORDING OF APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

The Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Commission's

proceedings in connection with said applications in the fashion provided at § 7-4-22 above.

§ 7-4-31. FEE TO ACCOMPANY AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS.

The Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness.

§ 7-4-32. APPEALS.

Any person affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Commission. Any such appeal must be filed with the Clerk of Commission within fifteen (15) days after the issuance of the determination pursuant to § 7-5-25 (a) of this Chapter or, in the case of a failure of the Historic Preservation Commission to act, within fifteen (15) days of the expiration of the forty-five (45) day period allowed for Historic Preservation Commission action pursuant to § 7-5-25 (b) of this Chapter. The Commission may affirm the determination made by the Historic Preservation Commission, or if the Commission finds that the Historic Preservation Commission abused its discretion in reaching its decision, the Commission may modify or reverse the determination made by the Commission. Appeals from decisions of the Commission may be taken to the Superior Court of Richmond County, Georgia in the manner provided by law.

ARTICLE 5

DEMOLITION OR RELOCATION OF A HISTORIC PROPERTY OR PROPERTIES WITHIN A HISTORIC DISTRICT

§ 7-4-33. APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

The Historic Preservation Commission shall have the authority to approve, approve with conditions, or deny Certificates of Appropriateness for demolition or relocation. The proposed demolition or relocation of all or any portion of a historic property or property within a historic district shall require the obtention of a Certificate of Appropriateness for demolition or relocation.

§ 7-4-34. PUBLIC HEARING.

A public hearing shall be scheduled for each application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-35. NOTICE OF PUBLIC HEARING PURSUANT TO AN APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

Notice as provided for at § 7-4-22 above shall be provided in the context of an application for a Certificate of Appropriateness for demolition or relocation, and, in addition, notice of such public hearing containing the information as described at § 7-4-22 above shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County not less than five (5) nor more than thirty (30) days prior to the date set for the public hearing.

§ 7-4-36. VIOLATION.

The demolition or relocation of a historic property, or property within a historic district without the obtention of a Certificate of Appropriateness shall constitute a violation of this Chapter of a high and aggravated nature.

§ 7-4-37. CONSIDERATION OF POST-DEMOLITION OR POST-RELOCATION PLANS.

The Historic Preservation Commission shall not grant Certificates of Appropriateness for demolition or relocation without having first reviewed the post-demolition or post-relocation plans for the site.

§ 7-4-38. DEMOLITION/RELOCATION CRITERIA.

Upon receipt of an application for a Certificate of Appropriateness for demolition or relocation, the Historic Preservation Commission shall apply the criteria described in § 7-4-18 of this Chapter to determine whether to grant or deny the application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-39. FEE TO ACCOMPANY APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

The Historic Preservation Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-40. BINDING UPON THE COMMISSION.

The Commission, including its various departments, authorities, commissions, committees and boards shall be bound by the requirements of this article.

§ 7-4-41.--§ 7-4-50. RESERVED.

ARTICLE 6

MAINTENANCE OF HISTORIC PROPERTIES

AND BUILDING AND ZONING CODE PROVISIONS

§ 7-4-51. ORDINARY MAINTENANCE OR REPAIR.

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property or property within a historic district to correct deterioration, decay or damage, or to sustain the existing form, that does not involve a material change in design, materials or outer appearance thereof, does not require a Certificate of Appropriateness, and may be undertaken once approved by the designated staff person for the Commission without consultation with the Historic Preservation Commission. Any person considering a change to a historic building that is believed to constitute no more than ordinary maintenance or repair must consult the designated staff person to assure that in fact such change constitutes merely ordinary maintenance and repair. In the absence of the employment of a designated staff person, such approvals may be made by a member or members of the Historic Preservation Commission duly elected by the members of the Historic Preservation Commission. Ordinary maintenance includes exterior painting and/or a change in exterior paint color, and does not require a Certificate of Appropriateness or approval by the designated staff person.

§ 7-4-52. FAILURE TO PROVIDE ORDINARY MAINTENANCE OR REPAIR.

Owners of historic properties or of properties within a historic district shall not allow their buildings to deteriorate by failing to

provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding such deterioration by neglect:

(a) The Historic Preservation Commission shall have the authority to monitor the condition of historic properties and properties within a historic district to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a building’s structural system shall constitute failure to provide ordinary maintenance or repair.

(b) In the event the Historic Preservation Commission determines that there has been a failure to provide ordinary maintenance or repair, the Historic Preservation Commission will notify the owner of the property and set forth the steps necessary to comply with the provisions of this Section. The owner of such property will have thirty (30) days in which to comply.

(c) In the event conditions in violation of this Section are not remedied in thirty (30) days after notice pursuant to § 7-4-52 (b) above, such will constitute a continuing violation of this Chapter and in addition, the Historic Preservation Commission shall have the authority, with the approval of Commission, to perform such maintenance or repair as is necessary to prevent such deterioration. The owner of the property shall be liable for the cost of such maintenance and repair performed at the direction of the Commission and such liability shall constitute a lien upon the property as provided by law.

§ 7-4-53. AFFIRMATION OF EXISTING BUILDING AND ZONING CODES.

Nothing in this Chapter shall be construed as to exempt property owners from complying with existing building and zoning codes of Augusta-Richmond County.

§ 7-4-54.--§ 7-4-60. RESERVED.

ARTICLE 7

MISCELLANEOUS PROVISIONS

§ 7-4-61. CERTIFIED LOCAL GOVERNMENT PROGRAM.

The Historic Preservation Commission shall at least annually monitor compliance with all certified Local Government Program requirements and take or recommend such steps as may be necessary to have Augusta-Richmond County qualify and remain qualified as a certified Local Government pursuant to various state or federal government requirements.

§ 7-4-62. SEVERABILITY.

In the event that any section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional, such declaration or adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Chapter, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

§ 7-4-63. AMENDMENTS.

This Chapter may be amended by the Commission upon recommendation by the Historic Preservation Commission. No amendment shall become effective unless such recommendation shall be made by the Historic Preservation Commission, or until

the Historic Preservation Commission has had an opportunity to review the amendment upon the direction of Commission and has made a recommendation concerning the proposed amendment.

§ 7-4-64. TEMPORARY PROVISION FOR HPA (HISTORIC PRESERVATION AREA) ZONES EXISTING UNDER PRIOR LAW.

Notwithstanding any provision herein to the contrary, HPA (Historic Preservation Area) Zones which existed as of December 31, 1995 pursuant to City of Augusta ordinance no. 5648 shall continue to exist and enjoy the protection of such prior law, until the redesignation of said HPA zones as historic districts or historic properties pursuant to the provisions of this Chapter, but in no event shall the provisions of said prior law continue in force beyond the effective date of this Chapter for any purpose. Upon the adoption of this Chapter and the appointment and confirmation of a Historic Preservation Commission pursuant to Article 2 above, said Commission shall succeed to all the rights, powers, and duties of the Historic Preservation Commission created pursuant to City of Augusta Ordinance No. 5648.

ARTICLE 8

DETENTION PONDS

§ 7-4-65 MAINTENANCE OF DETENTION/RETENTION PONDS.

- (a) Maintenance by landowner required. No owner of any property or parcel of land within Augusta-Richmond County on which there exists or may be established a detention pond and/or a retention pond, shall permit or allow debris to be dumped or materials to be piled therein, nor permit or allow grass, weeds, vines, underbrush or other growth to grow or accumulate therein, so as to constitute an unclean, unhealthy, unsanitary, unsightly, dangerous or offensive condition, or so as to render such pond incapable of serving its purpose of detaining water.
- (b) *Abatement.* Whenever the public works department discovers that the provisions of subsection (a) above are being violated, it shall give the owner, his agent or other representative fifteen (15) days written notice by mail, directed to his last-known address, that the condition must be remedied within 15 days, and that if, after the expiration of the fifteen-day period, the condition is not remedied, the public works department shall cause the necessary work to be done and tax the cost of the work against the owner and the property in the same manner and under the same terms as the cost of other public improvements is taxed. The cost shall constitute a lien against the property and the delinquent tax collector shall issue a fi.fa., in the name of Augusta-Richmond County, acting by and through its Commission-Council, for the cost, and levy the fi.fa. upon the property in the same manner as levies under tax fi.fa.s are now executed.
- (c) Violation; penalty. In addition to causing the condition of the property to be remedied as authorized in subsection (b), above, in the event that the condition is not remedied by the owner at the expiration of fifteen (15) days, the public works department shall make a case against the offending party and upon trial and conviction, the offending part shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of sixty (60) days.
- (d) *Commercial/industrial detention/retention ponds.* As of the effective date of this ordinance, Augusta-Richmond County shall not accept ownership and maintenance responsibilities, through deed of dedication or otherwise, for any detention/retention ponds constructed in connection with commercial and/or industrial properties. Said owners shall be responsible for maintenance of said ponds in accordance with subsection (a) of this section.

ARTICLE 9

PENALTY PROVISIONS

§ 7-4-66. VIOLATION; PENALTIES.

Any person or corporation, whether a principal, agent, employee, or otherwise who violates any provision of this Chapter or who violates any court order issued pursuant to this Chapter, shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in § 1-6-1 of this Code. Each day any violation of any provision of this Chapter or violation of any court order issued pursuant to this Chapter persists shall constitute a separate offense and continuing violation of this Chapter.

§ 7-1-1. SCOPE.

The provisions of this Chapter shall govern the administration and enforcement of the Standard Building, Gas, Mechanical and Plumbing Codes, and the National Electric Code, hereinafter referred to as the *technical codes*, as are adopted in Article 7 herein.

§ 7-1-2. TITLE.

The provisions embraced within the following articles and sections shall constitute and be known and may be cited as *The Building Code of Augusta-Richmond County*, hereinafter referred to as *this building code*.

§ 7-1-3. CODE REMEDIAL.

(a) *General.* This building code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

(b) *Quality control.* Quality control of materials and workmanship is not within the purview of this building code except as it related to the purposes stated herein.

(c) *Permitting and inspection.* The inspection or permitting of any building, system or plan by any jurisdiction, under the requirements of this building code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

§ 7-1-4. APPLICABILITY.

(a) *Generally.* Where, in any specific case, different sections of this building code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Building.* The provisions of the Standard Building Code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(c) *Electrical.* The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(d) *Gas.* The provisions of the Standard Gas Code shall apply to the installation of consumers' gas piping, gas appliances and related accessories as covered in this building code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.

(e) *Mechanical.* The provisions of the Standard Mechanical Code shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

(f) *Plumbing.* The provisions of the Standard Plumbing Code shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixture, fittings and appurtenances, and when connected to a water or sewerage system.

(g) *Federal or state authority.* The provisions of this building code shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this building code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

(h) *Appendices.* To be enforceable, the appendices included in the technical codes must be referenced in the code text or specifically included in the adopting ordinance.

(i) *Referenced standards.* Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

§ 7-1-5. ALTERATION OR REPAIR OF EXISTING BUILDING.

Alterations or repairs to existing buildings shall be governed by the Standard Housing Code.

§ 7-1-6. CHANGE IN OCCUPANCY OF EXISTING BUILDING.

If the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of this building code for the new occupancy. If the occupancy of only a portion of an existing building is changed and that portion is separated from the remainder of the building, then that portion must be made to conform pursuant to applicable building codes.

§ 7-1-8. PREFERENTIAL CLASSIFICATION AND ASSESSMENT OF LANDMARK HISTORIC PROPERTY.

Property in Augusta-Richmond County, Georgia, may qualify as landmark historic property and be eligible to receive the preferential assessment provided for in section (c.1) of O.C.G.A. § 48-5-7.

§ 7-1-9. INSTALLATION OR MAINTENANCE BY HOMEOWNER.

Nothing in this building code shall prevent a homeowner from installing electrical, mechanical or plumbing systems or maintaining his home within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this building code, nor is it construed as exempting any such property owner from obtaining a permit, paying required fees and requesting inspections.

§ 7-1-16. TECHNICAL CODES--ADOPTED BY REFERENCE.

The following codes as promulgated by the State of Georgia through the Department of Community Affairs are hereby adopted and incorporated by reference effective April 1, 1996. (Several have been in effect since October 1, 1995).

Adoption of the codes and appropriate appendices; codes that are amended by the State of Georgia are so denoted:

<u>Code</u>	<u>Edition</u>	<u>GA</u>	<u>Adopted</u>
<u>AMEND Appendices</u>			
<u>Georgia Mandated Codes</u>			
Standard Building Code	1994	*	A, C, D, F, H
Standard Plumbing Code	2000	*	A,B,C,D,E,F,G,I,J
Standard Gas Code	2000	*	A, D, E
Standard Mechanical Code	2000	*	A, C
National Electric Code	1996	*	
Standard Fire Prevention Code	1994	*	B, C, D
CABO 1 and 2 Family			
Dwelling Code	1995	*	A, D, E, F

Georgia Optional Codes

Standard Unsafe Building

Abatement

CABO Model Energy Code 1995 *

Standard Housing Code 1994

Standard Swimming Pool Code 1994 *

(Ord. # 6359, February 21, 2001.)

The building and inspection department shall be responsible for the administration and enforcement of the above codes adopted by reference.

Any person or persons failing to comply with the provisions of the above codes in Augusta-Richmond County shall be guilty of an offense and upon trial as a misdemeanor and conviction, shall be punished as provided in § 1-6-1 of this Code.

§ 7-1-17. SAME--CONFLICTS WITH CHAPTER PROVISIONS.

All provisions in this chapter in conflict with any provisions of the codes adopted in § 7-1-16 shall govern and control, and the conflicting provisions of the adopted codes shall be repealed.

§ 7-1-26. ESTABLISHED.

There is hereby established a department, to be called the *License and Inspection Department*.

§ 7-1-27. EMPLOYEE QUALIFICATIONS.

(a) *Director-Building Official qualifications.* The person in charge of the License and Inspection Department shall be known as the *Director-Building Official*. The Director-Building Official shall have had at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Director-Building Official shall be certified as a building official through a recognized certification program. The Director-Building Official shall be appointed or hired by the Augusta-Richmond County Commission and shall not be removed from the office except for cause after full opportunity has been given to be heard on specific charges before the Commission.

(b) *Manager of Construction qualifications.* The Director-Building Official, with the approval of the applicable governing authority, may designate a *Manager of Construction* to administer the provisions of the Building, Electrical, Gas, Mechanical and Plumbing codes. The Manager shall have at least ten (10) years' experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these, five (5) years of which shall have been in responsible charge of work. The Manager should be certified at a minimum as a building inspector through a recognized certification program. The Manager shall also be known as *Chief Inspector* and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before the Commission.

(c) *Inspector qualifications.* The Director-Building Official, with the approval of the chief appointing authority, may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time. A person shall not be appointed as inspector of construction who has not had at least five (5) years' experience as an building inspector, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction. The inspector should be certified, through a recognized certification program for the appropriate trade.

§ 7-1-28. RESTRICTIONS ON EMPLOYEES' BUSINESS INTERESTS.

An officer or employee connected with the department, except one whose only connection is as a member of the board established by this building code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

§ 7-1-29. RECORDS AND REPORTS.

(a) The Director-Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

(b) The Director-Building Official shall annually submit a report to the Augusta-Richmond County Administrator covering the work of the department during the preceding year. He may incorporate in said report a summary of the decisions of the Construction Advisory Board during said year.

§ 7-1-30. LIABILITY, DEFENSE OF EMPLOYEES FOR ACTIONS TAKEN IN THE COURSE OF THEIR DUTIES.

Any officer or employee, or member of the Construction Advisory Board, charged with the enforcement of this building code, acting for the governing body in the discharge of his duties, shall not thereby render himself liable personally; and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this building code shall be defended by the Augusta-Richmond County attorney until the final termination of the proceedings.

§ 7-1-31. POWERS AND DUTIES OF DIRECTOR-BUILDING OFFICIAL.

(a) The Director-Building Official shall enforce the provisions of this building code, and is authorized to render interpretations of this building code which are consistent with its spirit and purpose. The Director-Building Official's powers shall include, but not be limited to, the following:

(1) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this building code, or whenever the Director-Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director-Building Official by this building code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

When the Director-Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director-Building Official, or his designer, for the purpose of inspection and examination pursuant to this building code.

(2) *Inspections.* The Director-Building Official may make, or cause to be made, the inspections required by this building code.

(3) *Tests.* The Director-Building Official may require tests or test reports as proof of compliance. Tests, if required, are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of such test reports or the results of all such tests shall be kept on file in the office of the Director-Building Official.

(4) *Stop work orders.* Upon notice from the license and inspection department, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this building code or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the license and inspection department.

(5) *Revocation of permits.*

a. The Director-Building Official may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

b. The Director-Building Official may revoke a permit upon determination by the Director-Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this building code.

§ 7-1-32. REQUIREMENTS NOT COVERED BY CODE.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the license and inspection department.

§ 7-1-33. ALTERNATE MATERIALS AND METHODS.

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Director-Building Official. The Director-Building Official shall approve any such alternate, provided the Director-Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Director-Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

§ 7-1-46. CREATED.

There is hereby created the Augusta-Richmond County Construction Advisory Board, which shall consist of ten (10) members. The Board shall serve in an advisory and mediation capacity only, and all members shall be appointed by the Augusta-Richmond County Commission and shall serve at the pleasure thereof. (Ord. # 6308, October 3, 2000)

§ 7-1-47. COMPOSITION.

The Board shall be composed of the following:

- (a) One (1) licensed electrical contractor;
- (b) One (1) master plumber;
- (c) One (1) licensed HVAC contractor;
- (d) One (1) commercial contractor;
- (e) One (1) residential contractor;
- (f) One (1) architect;
- (g) One (1) electrical engineer.
- (h) One (1) consulting engineer.
- (i) One (1) consumer member- Super District 9; and
- (j) One (1) consumer member- Super District 10.

Members, other than the initial members, shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the amount of which the original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Commission, render any such member liable to immediate removal from office.

The Augusta-Richmond County employee holding the position of Director-Building Official of the License & Inspection Department shall be responsible for all administrative duties and support to the Advisory Board. The Director-Building Official, Building Inspectors, Planning Commission Director, Utilities Department Director, Public Works Director, and Fire Chief, employed by Augusta-Richmond County shall serve in an advisory capacity as non-voting, ex-officio members of the Advisory Board.

At its first meeting of each calendar year, the Construction Advisory Board shall elect one (1) of its members as Chairman and one (1) of its members as Vice-Chairman to serve during the calendar year and until his/her successor has been elected and qualified for office. The Chairman shall preside at meetings of the Advisory Board. In the absence of the Chairman, the Vice-Chairman shall preside at meetings. In order to take any action, a quorum of at least a majority of the voting members of the Advisory Board must be present at the duly called meeting. A vote of a majority of the voting members present at the duly called meeting at which a quorum is present shall be required to adopt or approve any proposed action by the Board.

The Construction Advisory Board shall meet on the second Thursday in each of the following months: January, March, May, July, September, and November. Special meetings may be called by the Chairman, or Vice-Chairman, as he/she deems necessary.

§ 7-1-48. DUTIES.

The Construction Advisory Board shall adopt such reasonable rules and regulations as are necessary for the conduct of its affairs and shall, when needing legal advice, consult with the Augusta-Richmond County attorney, through the department Director/Building Official. It shall be the duties of the Construction Advisory Board to:

- (a) Serve in an advisory capacity to the Commission on matters pertaining to construction;
- (b) Conduct mediation hearings to resolve differences of opinions in the interpretation of all construction codes and inspection procedures in force in Augusta-Richmond County;
- (c) Make recommendations to the Commission concerning unresolved matters in interpretation of codes and inspection procedures;
- (d) The Advisory Board will not make any changes from the standard codes adopted. If it is felt that any code does not meet Augusta-Richmond County's needs due to unique physical or climatological conditions, a proposal to modify a code may be submitted to the Commission through the department Director-Building Official;
- (e) Serve as a liaison between the City of Augusta and builders, developers, design professionals and other disciplines involved in the building and development industries. This duty includes dissemination of information such as adoption of new building codes and changes in policies to these groups and the general public.
- (f) Appoint a member of the Construction Advisory Committee to serve as an ex-officio member of the Subdivision Regulations Committee. (Ord. # 6034, April 21, 1998).

§ 7-1-56. APPEALS PROCEEDINGS--AUTHORIZED; FILING NOTICE OF APPEAL.

(a) Whenever the Director-Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this building code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this building code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent, may appeal from the decision of the Director-Building Official to the Construction Advisory Board.

(b) Notice of appeal shall be in writing and filed within ten (10) days after the decision is rendered by the Director-Building Official. A fee of fifty dollars (\$50.00) shall accompany such notice of appeal. In case of a building or structure which, in the opinion of the Director-Building Official, is unsafe or dangerous, the Director-Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Director-Building Official. (Ord. # 6034, April 21, 1998)

§ 7-1-57. SAME-DECISIONS.

(a) The Advisory Board shall, in every case, reach a decision without unreasonable or unnecessary delay.

(b) The Advisory Board, when so appealed to and after a hearing, may vary the application of any provision of this building code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this building code or public interest, or when, in its opinion, the interpretation of the Director-Building Official would be modified or reversed. A decision of the Board to vary the application of any provision of this building code or to modify an order of the Director-Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

(c) Every decision of the Advisory Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Director-Building Official, and shall be open to public inspection; a copy shall be sent by mail or otherwise to the applicant.

(d) If a decision of the Advisory Board reverses or modifies a refusal, order, or disallowance of the Director-Building Official, or varies the application of any provision of this building code, the Director-Building Official shall immediately take action in accordance with such decision. (Ord. # 6034, April 21, 1998)

§ 7-1-81. PERMIT APPLICATION; EXCEPTIONS.

(a) *When required.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Director-Building Official and obtain the required permit for the work.

(b) *Exceptions.* Permits shall not be required for the following mechanical work: (i) any portable heating appliance; (ii) any portable ventilation equipment; (iii) any portable cooling unit; (iv) any steam, hot or chilled water piping within any heating or cooling equipment regulated by this building code; (v) replacement of any part which does not alter its approval or make it unsafe; (vi) any portable evaporative cooler; or (vii) any self-contained refrigeration system containing 10 lb. (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(c) *Temporary structures.* A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

(d) *Work authorized.* A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

(e) *Minor repairs.* Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

(f) *Information required.* Each application for a permit, with the required fee, shall be filed with the license and inspection department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the license and inspection department.

(g) *Time limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Director-Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(h) *Issuance to contractors only.* No permit, except for homeowners as provided for in § 7-1-9 and § 7-1-121 (a), shall be issued to anyone other than a properly licensed contractor under the laws of the State of Georgia and the ordinances of Augusta-Richmond County.

§ 7-1-82. DRAWINGS AND SPECIFICATIONS.

(a) *Requirements.* When required by the Director-Building Official, two (2) or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany every application. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this building code. Such information shall be specific, and this building code shall not be cited as a whole or in part, nor shall the term *legal* or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

(b) *Additional data.* The Director-Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction and basis of calculations.

(c) *Design professionals.* All drawings, specifications, and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group E-Educational, Group I-Institutional and Group A-Assembly occupancy, and all buildings or structures three (3) stories or more in height or five thousand (5,000) square feet in area, except one and two family dwellings, such designer shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered. Group R-3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

(d) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire-resistive integrity will be maintained where a penetration of a required fire-resistive wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistive floors intersect the exterior walls.

§ 7-1-83. SITE DRAWINGS; BOUNDARY LINE SURVEY.

The Director-Building Official shall require drawings showing the location of the proposed building or structure and of every existing building or structure on the site or lot. He may also require a boundary line survey, if necessary, prepared by a qualified surveyor.

§ 7-1-84. HAZARDOUS OCCUPANCIES.

The Director-Building Official may require the following:

(a) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

(b) *Building floor plan.* A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rates assemblies with their hourly rating, location of liquid-tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

§ 7-1-85. EXAMINATION OF PERMIT APPLICATIONS AND DOCUMENTS; INSPECTION OF BUILDINGS PRIOR TO PERMIT DECISIONS.

(a) *Review.* The Director-Building Official shall examine, or cause to be examined, each application for permit and the accompanying documents, consisting of drawings, specifications, computations and additional data and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

(b) *Affidavits.* The Director-Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Director-Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Director-Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Director-Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(c) Before issuing a permit, the Director-Building Official may examine, or cause to be examined, any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for permit to enlarge, alter, repair, move, demolish or change the occupancy.

§ 7-1-86. ISSUING PERMITS.

(a) *Action on permits.* The Director-Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. If the Director-Building Official is satisfied that the work described in an application for permit and the documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant.

(b) *Refusal to issue permit.* If the application for a permit and the accompanying documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Director-Building Official shall not issue a permit, but shall return the documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.

(c) *Public right of way.* A permit shall not be given by the Director-Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Director of public works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Director-Building Official to see that the street lines are not encroached upon except as provided in chapter 3 hereof.

§ 7-1-87. CONTRACTOR'S RESPONSIBILITIES.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical or plumbing systems, for which a permit is required, to comply with state and/or local rules and regulations concerning licensing which the applicable governing authority may have adopted.

§ 7-1-88. SPECIAL PERMITS FOR FOUNDATION PENDING PERMIT ISSUANCE.

When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Director-Building Official may, at his own discretion, issue a special permit for the foundation only of such building. The holder of such a special permit shall proceed at his own risk and without assurance that a permit for the remainder of the work will be granted or that corrections will not be required in order to meet the provisions of the technical codes.

§ 7-1-89. CONDITIONS OF PERMIT.

(a) *Permit intent.* A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall such issuance of a permit prevent the Director-Building Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this building code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted in writing by the Director-Building Official.

(b) *Permit issued on basis of affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Director-Building Official, are hazardous or complex, the Director-Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise the work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspection are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Director-Building Official.

§ 7-1-90. PERMIT FEES.

(a) *When due and payable.* A permit shall not be issued until the fees prescribed in this section shall have been paid, nor shall an amendment to permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, shall have been paid.

(b) *Accounting of fees.* The Director-Building Official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

(c) *Amount-fee schedule.* On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required in subsection (a) of this section at the time of filing application, in accordance with the following schedule:

(1) *Residential.*

a. *Single-family fee schedule.*

Building, per sq. Ft. under roof	\$.048
Electrical, per house	\$ 21.60
Mechanical, per house	\$ 21.60
Plumbing, per house	\$ 21.60
Fireplace, each	\$ 6.00
Inspection fee, per house on crawl space	\$150.00
(10 inspections at \$15.00 each)	
Inspection fee, per house on slab	\$165.00
(11 inspections at \$15.00 each)	

b. *Single-family attached (townhouses).* Where lot is sold with house, fees shall be the same as for single-family.

c. *Apartment and condominium dwelling units permit fees.* The permit fee will be based on the construction cost using fee schedule.

Electrical, per dwelling unit	\$ 21.60
Mechanical, per dwelling unit	\$ 21.60
Plumbing, per dwelling unit	\$ 21.60
Fireplace, per unit	\$ 6.00

d. Fifteen dollars (\$15.00) for each required inspection per dwelling unit.

e. All repairs, additions, alterations will be based on cost of labor and materials, using fee schedule, plus fifteen dollars (\$15.00) for each required inspection. (Ord. # 5994, January 20, 1998)

(2) *Commercial, industrial, multifamily and public buildings, having total valuation.*

\$100.00 and less - No fee unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.

\$101.00 to \$2,000.00- \$6.00 per thousand or fraction thereof.

\$2,001.00 to \$15,000.00- \$12.00 for the first \$2,000.00 plus \$3.60 for each additional thousand or fraction thereof, to and including \$15,000.00.

\$15,001.00 to \$50,000.00- \$58.80 for the first \$15,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

\$50,001.00 to \$100,000.00- \$163.80 for the first \$50,000.00 plus \$2.40 for each additional thousand or fraction thereof, to and including \$100,000.00.

\$100,001.00 to \$500,000.00- \$283.80 for the first \$100,000.00 plus \$1.50 for each additional thousand or fraction thereof, to and including \$500,000.00.

\$500,000.00 and up- \$883.80 for the first \$500,000.00 plus \$0.90 for each additional thousand or fraction thereof.

(3) Moving of buildings or structures. For the moving of any building or structure, the fee shall be sixty dollars (\$60.00).

(4) Demolition of buildings or structures. For the demolition of any building or structure, the fee shall be thirty dollars (\$30.00) per building, except that a complimentary permit shall be issued to the fire department for burning a building as part of a training exercise.

(5) All subcontractors and contractors for electrical, mechanical, plumbing, low voltage and sprinklers (buildings and grounds) will be required to purchase their own permits based on the fee schedule provided in paragraph (2) of this subsection.

(6) All commercial repairs will be based on the cost or contract using the fee schedule in paragraph (2) of this subsection for building, electrical, mechanical, plumbing, low-voltage and sprinkler system contractors.

(7) Electrical permits for mobile homes shall be twenty-four (\$24.00) and permit for electrical repairs to mobile homes shall be twelve dollars (\$12.00).

(8) Reinspection. If it is necessary to make a reinspection for a required building, electrical, mechanical or plumbing inspection because of improper work, the contractor responsible shall pay a reinspection fee of fifteen dollars (\$15.00) for each reinspection.

(9) The fee for a temporary sign permit shall be twenty-five dollars (\$25.00). The

The fee for the inspection required by Augusta's ordinances regulating temporary signs shall be fifteen dollars (\$15.00). (Ord. # 6278, June 20,2000)

(Ord. # 6182, July 20, 1999)

(d) *Same--permit valuation.* Permit valuations shall include total cost, such as plumbing, electrical, mechanical equipment and other systems, including materials and labor. If, in the opinion of the Director-Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimated cost to meet the approval of the Director-Building Official.

(e) *Plan review fees.* The fee for reviewing all plans shall be one-half (½) of the permit amount. One and two-family dwellings are exempt from plan review fees.

§ 7-1-91. COMMENCING WORK WITHOUT PERMIT PROHIBITED; PENALTY FOR VIOLATION.

A person firm or corporation who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system, or who causes the same to be done, before obtaining the necessary permits, shall be subject to a three hundred sixty dollar (\$360.00) penalty. (Ord. # 6182, July 20, 1999)

§ 7-1-92. POSTING BUILDING PERMIT CARD; KEEPING APPROVED DRAWINGS AVAILABLE FOR INSPECTION AT SITE REQUIRED.

(a) Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and located in such position as to permit the Director-Building Official or his authorized representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion has been issued by the Director-Building Official.

(b) When the Director-Building Official issues a permit, he shall endorse, in writing or by stamp, both sets of plans *Reviewed for Code Compliance*. One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the Director-Building Official or his authorized representative.

§ 7-1-93. FILING CONTRACTOR PERMIT AND CERTIFICATION; WHEN REQUIRED; PENALTY FOR VIOLATION.

(a) Each contractor's permit and certification shall be filed with the Director-Building Official, on a form furnished for that purpose, and shall contain the location of the work, the building permit number, the contractor's address and license numbers, and such other information as may be required by the Director-Building Official. The contractor's permit and certification shall be signed by the contractor and mailed or delivered to the license and inspection department prior to requesting the first required inspection.

(b) If any person fails to submit to the inspection department a contractor's permit and certification form for electrical, mechanical, gas or plumbing work before the first inspection is required, he shall be subject to a fifty dollar (\$50.00) penalty.

§ 7-1-94. INSPECTIONS.

(a) *Existing building inspections.* The Director-Building Official shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

(b) *Manufacturers and fabricators.* When deemed necessary by the Director-Building Official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. He shall make a record of every such examination and inspection and of all violations of the technical codes.

§ 7-1-95. SAME--INSPECTION SERVICE.

The Director-Building Official may make, or cause to be made, the inspections required by § 7-1-94. He may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

§ 7-1-96. SAME--INSPECTION PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR COMPLETION.

The Director-Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

§ 7-1-97. SAME--REQUIRED INSPECTIONS.

The Director-Building Official, upon notification from the permit holder or his agent, shall make the following inspections of buildings and such other inspections as may be necessary, and shall either approve that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes:

<u>Required Inspections</u>	<u>Special Conditions</u>
Foundation: setback; footing	Do not pour any concrete until inspections approved
Concrete slab: building; plumbing; or block foundation	Do not pour slab until inspections approved
Rough: electrical; framing; mechanical;plumbing	Do not cover work until inspections approved
Finals: building; electrical; plumbing; mechanical	Do not occupy until inspections approved

Final Certificate of occupancy and final electric will not be authorized until inspections approved. (Ord. # 5994, January 20, 1998)

§ 7-1-98. WRITTEN APPROVAL REQUIRED.

Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining the written approval of the inspector. Such written approval shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing inspections.

§ 7-1-99. REINFORCING STEEL AND STRUCTURAL FRAMES.

Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed in any manner whatsoever without first obtaining the approval of the Director-Building Official.

§ 7-1-100. PLASTER FIRE PROTECTION.

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Director-Building Official after all lathing and backing is in place. Plaster shall not be applied until the approval of the Director-Building Official has been received.

§ 7-1-101. CERTIFICATES OF OCCUPANCY.

(a) *Building occupancy.* A new building shall not be occupied or a change be made in occupancy or the nature or the use of a building or part of a building until after the Director-Building Official shall have issued a certificate of occupancy therefor. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances, and approved by the Director-Building Official.

(b) *Prerequisites to issuance; contents.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the approved plans and the technical codes, payment of all fees, and after the final inspection herein referred to, and upon application therefor, the Director-Building Official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this building code.

(c) *Temporary/partial certificates of occupancy.* A temporary/partial certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building.

§ 7-1-102. CERTIFICATES OF OCCUPANCY FOR EXISTING BUILDINGS.

A certificate of occupancy for any existing building may be obtained by applying to the Director-Building Official and supplying the information and data necessary to determine compliance with this building code for the occupancy intended. When necessary, in the opinion of the Director-Building Official, two (2) sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this building code for such occupancy, a certificate of occupancy shall be issued.

§ 7-1-103. CERTIFICATE OF COMPLETION.

Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is approved for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

§ 7-1-104. SERVICE UTILITIES.

(a) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until approved by the Director-Building Official and a certificate of occupancy or completion issued.

(b) *Temporary connection.* The Director-Building Official may authorize the temporary connection of a building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

(c) *Authority to disconnect service utilities.* The Director-Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Director-Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

§ 7-1-105. POSTING FLOOR LOADS.

(a) *Occupancy.* An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Director-Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

(b) *Storage and facility-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the license and inspection department.

(c) *Signs required.* In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Director-Building Official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner.

§ 7-1-106. TESTS.

The Director-Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

§ 7-1-116. PAYMENT OF OCCUPATION TAX, BOND AND LIABILITY INSURANCE REQUIRED.

It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, to do the following:

(a) Obtain a business tax certificate in accordance with Title 2, Chapter 2 of the Augusta-Richmond County Code; or, if a business tax certificate or business license has been obtained elsewhere in the State of Georgia and is current and valid, present a copy of said business tax certificate or license to the license and inspection department.

(b) Execute and deposit in the license and inspection department a bond in the sum of one thousand dollars (\$1,000.00), such bond to be conditioned that all work performed by the contractor or under his supervision shall be performed in accordance with the provisions of this building code and that he shall pay all fees and penalties properly imposed upon him for violations of the provisions of this building code; provided, however, that a contractor obtaining a bond of ten thousand dollars (\$10,000.00) in accordance with O.C.G.A. sec. 43-14-12 and providing a copy of that bond to the license and inspection department is not required to obtain a separate bond in the amount of one thousand dollars (\$1,000.00) under this code section.

(c) Place on file in the license and inspection department office a certificate of insurance for public liability and property damage for an amount not less than fifty thousand dollars (\$50,000.00) for each person and one hundred thousand dollars (\$100,000.00) for each occurrence. It shall be the responsibility of the contractor to notify the license and inspection office immediately upon cancellation of or change in public liability and property damage insurance.

(d) Pay the annual regulatory fee as provided in § 2-2-3 of the Augusta-Richmond County Code.

§ 7-1-117. PERFORMING ELECTRICAL, PLUMBING, AND HVAC WORK.

Electrical, Plumbing, and HVAC contractors required to employ State certified personnel. Before being licensed to perform electrical, plumbing, and HVAC contracting and construction in Augusta-Richmond County, each person, firm or corporation desiring such license shall have a person regularly employed who has been certified by the Georgia State Construction Industry Board (O.C.G.A. Title 43).

§ 7-1-118. LIMITATIONS ON USE OF MASTER ELECTRICIAN'S OR PLUMBER'S CERTIFICATE TO OBTAIN PERMIT.

(a) No person holding State certification as an electrician, plumber or HVAC contractor (conditioned air) shall allow his certification to be used, directly or indirectly, for the purpose of obtaining a permit, business license, or to perform work unless said person is employed by the firm applying for the permit, business license or performing said work.

(b) Any person or persons found guilty of using another person's master's certificate for the purpose of obtaining a permit or doing work under a certificate other than his own shall be subject to penalty as prescribed in § 7-1-120.

§ 7-1-119. EXEMPTIONS FROM § 7-1-117 THROUGH 7-1-118.

(a) *Owner wiring residence.* Nothing contained herein shall prevent or prohibit an owner from doing electrical or plumbing work in a dwelling in which he resides; provided, however, such owner shall pay required permit fees and shall make such installations as required by this building code for safety purposes and provided, however, such person does not employ a journeyman electrician or plumber to assist with work.

(b) *Industry maintenance department.* Any manufacturing industry employing fifty (50) or more workers and operating its own maintenance department shall be exempt from the provisions of this article, except that the installations shall be in compliance with the standards provided by the applicable code.

§ 7-1-120. PENALTIES FOR VIOLATIONS OF §§ 7-1-117 THROUGH 7-1-118.

(a) Any violation of any of the provisions, sections or subsections of §§ 7-1-117 through 7-1-118, shall be tried as a misdemeanor and punished as provided in § 1-6-1 of this Code. The inspector shall have the authority to issue or cause to be issued a subpoena to the person violating said sections to appear in the appointed court for a hearing.

(b) Any person, firm or corporation who shall continue to violate §§ 7-1-117 through 7-1-118, shall, after due consideration by the Commission Council, pursuant to the provision of § 7-1-136 hereof, forfeit his or their licenses and/or certificates issued under the terms of said sections. No licenses and/or certificates shall be reinstated within thirty (30) days after having been revoked, and no such reinstatement shall be made without examination as required by §§ 7-1-117 through 7-1-118.

(c) In addition to (a) of this section, any person, firm or corporation who violates 7-1-117 through 7-1-118 will be reported to the State Construction Industry License Board for further punitive action as provided for in O.C.G.A. (Title 43).

§ 7-1-131. REQUIRED.

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this building code in a building when erected, altered, or repaired shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

§ 7-1-132. DEFINITIONS.

- (a) *Abandoned vehicle*. Abandoned motor vehicle as defined in § 40-11-1 of the official Code of Georgia Annotated.
- (b) *Augusta-Richmond County*. Augusta-Richmond County, Georgia.
- (c) *Blighted*. Unsightly conditions including the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead or damaged through the natural elements; and any other similar conditions of disrepair and deterioration.
- (d) *Building*. Any structure designed for occupancy including manufactured homes, factory built buildings, and like property for which taxes may be assessed together with all garages, outbuildings and accessory structures.
- (e) *Brush*. Shrubs or growth which present or may present a blight or fire hazard.
- (f) *Commission*. The Augusta-Richmond County Commission or its designated representative.
- (g) *Debris*. Substance of little or no apparent economic value, which may be present in a state of apparent unpremeditated disarray.
- (h) *Deterioration*. a lowering in quality in the condition or appearance of a building or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance.
- (i) *Dwelling*. Any building or a portion thereof which is intended, or designated to be built, used, rented, leased, let, or hired out to be occupied, or which is occupied for living purposes by humans.
- (j) *Excavation*. Wells, shafts, basements, cesspools, septic tanks, fish ponds, and other like or similar conditions more than six (6) inches in diameter and three (3) feet in depth.
- (k) *Exterior opening*. An open or closed window, door, or passage between interior and exterior spaces.
- (l) *Garbage*. Swill, offal, and any accumulation of animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and the waste wrappers or containers thereof and filthy or odoriferous objects.
- (m) *Hazardous waste*. Any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State to be *Hazardous Waste* as defined in 40 C.F.R. Sections 261.1 through 261.33, except that, for purposes of this ordinance hazardous waste shall include household waste as defined in 40 C.F.R. 261.4 B1.
- (n) *Litter*. Decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, tin cans, yard clippings, wood, glass, debris; scrap paving material, discarded appliances, discarded furniture, bedding, dry vegetation, weeds, dead trees and branches, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects.

(o) *Occupant*. A legal entity that, through rights of ownership or rental, has the use and enjoyment of the subject real property for residential or commercial purposes.

(p) *Owner*. A legal entity listed as current or rightful owner as recorded in the official records of the Clerk of Superior Court of Richmond County, Georgia.

(q) *Responsible party*. An occupant, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land.

§ 7-1-133. MAINTENANCE STANDARDS.

(a) *Exterior surfaces.* All exposed exterior surfaces, windows and doors of all residential, commercial and other buildings and structures shall be maintained so as to be free of deterioration that is a threat to health and safety or otherwise presents a deteriorated or blighted appearance. Windows, doors, locks on doors, hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Examples of such deterioration and blight include but are not limited to: improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions; chimneys that are structurally unsafe; exterior windows and doors that are not fitted securely in their frames and are not substantially weather tight; paint that is deteriorated, indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare, unprotected surfaces. Window screening, if present, shall be maintained in good condition.

(b) *Fences, retaining walls.* All fences and retaining walls on the premises shall be safe, structurally sound and uniform or compatible in color and structure and shall be maintained so that they do not constitute a blighting influence. Examples of blighting influence with respect to fences include, but are not limited to, leaning fences, fences that are constructed out of deteriorated scrap materials not designed for use as fencing such as doors and sheets of tin, fences that are missing slats, rails or blocks, fences that contain graffiti or paint which is peeling or otherwise deteriorated.

(c) *Exterior insect and rodent control.* All premises shall be kept free from insect and rodent infestation and other noxious pests.

(d) *Drainage.* All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to retention basins or other similar conditions approved by the Commission.

(e) *Foundations, wall and roofs.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in structurally sound and weather tight condition. The foundation elements shall adequately support the building at all points and shall be free from deterioration.

(1) The building foundation shall be maintained in a safe condition and be capable of supporting the load which normal use may place thereon.

(2) The exterior walls shall be substantially weather tight, weatherproof, free from dry rot and mildew, and shall be maintained in sound condition and good repair so as to prevent infestation. All exterior surfaces other than decay-resistant materials, shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. No lead-based paint shall be used on any surface of any structure.

(3) Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Roofs shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted appearance.

(f) *Outdoor stairs, porches, railings.* All outdoor stairs, porches and hand railings shall be adequate for safety. Every stair and porch shall be maintained so as to be safe and in structurally sound condition. The support for railings, stairs, and porches shall be structurally sound and adequate. Every stairway, stair, porch, and any appendage thereto shall be maintained in safe condition and shall be capable of supporting a load that normal use may place thereon.

(g) *Exterior premises.*

(1) *Generally.* All land, whether improved or unimproved, shall be maintained free from any accumulation of garbage or a blighting influence which includes, but is not limited to graffiti on walls, fences, mail boxes, and similar structures; accumulation of litter, rubbish, refuse, waste material, bottles, papers, glass, cans, organic or inorganic material, abandoned vehicles, discarded appliances, discarded furniture, broken glass, used or deteriorated roofing shingles, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents, snakes, or other harmful pests or which may otherwise create a fire hazard.

(2) *Weeds, underbrush and other vegetation.* All exterior property areas shall be kept free from weeds, vines, underbrush and dead trees and branches which present a visual blight upon the area, which may harbor insect or rodent infestations or which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants. All lawn grass shall be kept at less than six (6) inches in height.

§ 7-1-134. ADMINISTRATION AND ENFORCEMENT OF STANDARDS.

(a) *Authority to enforce standards.* The Director-Building Official, or his designee, shall enforce the provisions of this section.

(b) *Authority and inspections.* The Director-Building Official or his designee is authorized and directed to make reasonable inspections of property to determine compliance with this section.

(1) Such an inspector may expand the scope of any inspection on the original complaint to include other violations noted during inspection on the subject property.

(2) Exempted from the operation of this section are large, remote acreage in its natural state, acreage impossible to service with large machinery due to its terrain, industrially zoned areas wherein zoning permits the storage of material ordinarily prohibited by this section; provided, however, this exemption is not operable when actual and probable danger exists.

(3) Unscreened exterior areas, buildings, structures and lands, may be inspected at any time with or without the involvement of the owner, in accordance with legal requirements.

(4) Screened exterior areas shall be inspected only during the normal business hours of Augusta-Richmond County unless otherwise arranged, upon invitation or with the concurrence of the owner or occupant or when ordered by a court or when probable cause exists to believe that conditions therein may be detrimental to health and safety.

(5) Except in cases of alleged imminent hazards, if the occupant is not the owner of the premises or dwelling unit to be inspected, the Director-Building Official or his designee shall provide reasonable notice in writing or by telephone to the occupant as to the time and place of inspection. A reasonable attempt must be made by Augusta-Richmond County staff to contact the owner and advise the owner of the time and place of inspection.

(6) The owner or responsible party will be required to correct all violations within a reasonable amount of time. In the event that the building becomes unoccupied, future occupancy will be prohibited until a compliance letter is issued by Augusta-Richmond County. It shall be incumbent upon the Director-Building Official or his designees to reinspect for the purpose of re-occupancy within five (5) business days of the receipt of a written request by the owner.

(c) *Notice of violation.* If, after an inspection, the Director-Building Official finds one or more violations of this section, he shall, in writing, notify the owner via a Notice of Violation sent by certified mail or hand delivery to the owner. The Notice of Violation shall include:

(1) Identification of property in violation;

(2) Statement of violations in sufficient detail to allow the owner to identify and correct the problem;

(3) Reinspection date.

(d) *Service of notice.* Any notice permitted or required to be given for any purpose under this section shall be deemed effective on the date when written notice is hand delivered to the owner or delivered to the residence of the owner and left with a person of suitable age and discretion or when deposited in the United States mail by certified mail addressed to the

property owner at such owner's last known address. In the event of service by certified mail as set forth above, a copy of said notice shall also be posted on the premises for a period of thirty (30) days. The Director-Building Official or his designees will use reasonable efforts to locate and communicate with the owner of the property upon which the violation exists. Service of notice shall also be deemed effective upon notification through one time public notice published in the newspaper in which Sheriff's sales are advertised in Augusta-Richmond County, Georgia and by posting the property for a period of thirty (30)days in the event the address of the owner cannot be obtained upon reasonable inquiry. [For vacant lots see § 4-2-2]

§ 7-1-135. ENFORCEMENT.

(a) The authority of Augusta-Richmond County to enforce the provisions of this section is independent of and in addition to the authority of other Augusta-Richmond County officials to enforce the provisions of any other law, ordinance or regulation which such officials are authorized to enforce.

(b) The remedies herein are cumulative and Augusta-Richmond County may proceed under one or more such remedies.

(c) Any owner, or other person having control over a structure or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of this section or who fails to perform any act or duty required by this section shall be punished as provided in § 1-6-1 of the Augusta-Richmond County Code.

(d) No criminal complaint shall be filed prior to the passage of thirty (30) days from the issuance of the Notice of Violation.

(e) Each day any violation of any provision of this section or the failure to perform any act or duty required by this section exists shall constitute a separate violation or offense.

(f) The owner of record, as recorded in the office of Clerk of Superior Court of Richmond County, Georgia, of the property upon which a violation of this section exists shall be presumed to be the person having lawful control over a structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons shall be jointly and severally presumed to be persons having lawful control over a structure or parcel of land. This presumption shall not prevent enforcement of the provisions of this section against any person specified in subsection (3) of this section.

(g) It is an affirmative defense for an owner of record that any violation of this section was caused by an act or acts of a lessee or tenant who was a resident of the property on the date of violation alleged in the Notice of Violation provided that the owner provides the Director-Building Official with the name of such tenant(s) in writing and eliminates the violation within a reasonable period of time to be established by the Director-Building Official. No defense shall be asserted pursuant to this provision unless notice thereof is filed with the court having jurisdiction over the violation and is provided to the solicitor or prosecutor of said court at least three (3) business days in advance of the date set for trial.

§ 7-1-136. APPEALS TO THE CONSTRUCTION ADVISORY BOARD.

(a) Any person may appeal a notice, order or decision of the Director-Building Official to the Augusta-Richmond County Construction Advisory Board when it is claimed that the true intent of the codes or standards described in this section has been incorrectly interpreted or when special circumstances or conditions exist which would authorize a minor variance on the grounds hereinafter set forth. Appeals to the Construction Advisory Board shall be made in writing and filed with the Director of the License and Inspection Department within the time period set in the Notice of Violation or within five (5) days after service of any such order upon the owner as provided herein. The applicant's written appeal shall specifically set forth the grounds upon which said appeal is based. The Commission may grant a minor variance to this section when it is determined that:

(1) special circumstances or conditions apply to this appeal application such as an undue hardship;

(2) authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and

(3) authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

(b) Except for orders to vacate, the timely filing of an appeal shall stay enforcement of the order appealed until the appeal is finally determined by the Commission.

(c) Failure of a person entitled to appeal under this section to timely file an appeal shall constitute a waiver of the right to a hearing of the complaint before the Construction Advisory Board and such person shall be estopped to deny the validity of any order or action of Augusta-Richmond County which could have been timely appealed.

(d) Any party aggrieved by a decision of the Construction Advisory Board may apply to Superior Court. Said appeal shall be the same as an appeal to the superior court from any decision made by the probate court, except that said appeal shall be filed within thirty (30) days from the date of the decision of the Construction Advisory Board or of any official charged with the enforcement of any order, requirement or decision in connection therewith; and upon failure to file said appeal within thirty (30) days, the decision of the Construction Advisory Board shall be final.

§ 7-1-137. SUPPLEMENTAL NATURE.

This section shall not be the exclusive regulation of the maintenance of buildings within Augusta-Richmond County, but shall be supplemental in addition to other regulations and ordinances of Augusta-Richmond County and statutes or provisions of law heretofore and hereinafter enacted by the state or other legal entity or agency having jurisdiction. In the event of a conflict between this section and any other such regulation, ordinance, statute or provision of law, the stricter of the two shall apply.

§ 7-1-138. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this section should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section, which shall remain in full force and effect; and to this end the provisions of this section are hereby declared to be severable.

§ 7-2-1. GENERALLY.

The following conditions, in addition to those conditions recognized as such pursuant to State law, are hereby declared to constitute nuisances: substances emitting noxious odors, carcasses of animals, establishments or structures emitting noxious odors, vapors, or fumes; deposits of waste water; litter, trash, refuse, rubble, and rubbish of all sorts; overgrown vegetation, weeds, brambles, brush or thickets; malfunctioning private sewage disposal systems; dilapidated buildings open to unauthorized or unlawful entry; hazardous trees; all articles, conditions, acts, or things whatsoever, kept, maintained or permitted by any person to pose a threat of injury, inconvenience, or annoyance to the public; and, all pursuits followed or engaged in, behavior or conduct performed by any person, which pose a threat of injury, annoyance, or inconvenience to the public.

§ 7-2-2. NUISANCES--PROHIBITED.

It shall be unlawful for any owner or occupant of any parcel of land lying within Augusta-Richmond County to cause or permit any nuisance to be created or remain upon such premises; and it shall be the duty of such owner or occupant to abate and remove any such nuisance from such premises. No owner or occupant of any parcel of land lying within Augusta-Richmond County shall permit, cause, keep, maintain, or engage in any activity constituting a nuisance, as defined herein, or as otherwise defined by the law of the State of Georgia, within Augusta-Richmond County.

§ 7-2-3. NUISANCES--NOTICE.

Whenever an inspector of the License and Inspection Department or any other duly constituted inspecting authority of the Augusta-Richmond County Commission determines that a nuisance exists on any premises within Augusta-Richmond County, he may serve written notice upon the owner or occupant, or his agent having control thereof, to abate such nuisance. The notice shall, at a minimum, set forth the nature of the nuisance and the fact that the same constitutes a nuisance upon said property; describe the premises where the nuisance is alleged to exist or to have been committed; and specify a reasonable period of time for the abatement of said nuisance. Said notice shall be served upon the owner or occupant of the premises by personal delivery, or by mailing said notice, certified mail, return receipt requested, addressed to the owner, occupant or agent. If service cannot be effectuated in such a manner after diligent effort to do so, service may be made by conspicuously posting the notice in or about the premises described in the notice, or by causing such notice to be published once in a newspaper of general circulation in Augusta-Richmond County. If the owner or occupant is a corporation, notice may be served upon an officer, a manager or person in charge of any local business office of such corporation, or the corporation's registered agent for service of process.

§ 7-2-4. NUISANCES--PROCEDURES IN THE EVENT NUISANCE NOT ABATED WHEN SPECIFIED.

In the event that such nuisance is not abated by the owner or occupant within the time specified, then the owner and/or occupant may be cited for violation of this chapter.

§ 7-2-5. NUISANCES--PENALTIES.

Violations of the provisions of this chapter shall be punished as provided in § 1-6-1 of this Code.

§ 7-2-6. NUISANCES--DESIGNATION OF PUBLIC OFFICER TO EXERCISE STATUTORY NUISANCE ABATEMENT POWERS.

All unsafe building abatement determinations and proceedings shall be governed by the Standard Unsafe Building Abatement Code as adopted in §7-1-16 hereof.

§ 7-2-7. NUISANCES--INJUNCTIONS AGAINST ORDER TO ABATE A NUISANCE, REPAIR, CLOSE, OR DEMOLISH UNFIT DWELLINGS, BUILDINGS OR STRUCTURES.

Any person affected by an order issued by the public officer under this Article, may petition to the Superior Court for an injunction pursuant to the provisions of O.C.G.A. § 41-2-13.

§ 7-2-41. POWERS OF DIRECTOR-BUILDING OFFICIAL TO ABATE NUISANCE.

The Director-Building official shall have the powers set forth in O.C.G.A. § 41-2-11, in addition to those powers set forth in this Title, in regard to unfit structures.

§ 7-2-42. INCORPORATION OF STATE PROCEDURES.

The provisions of O.C.G.A. § 41-2-7 through § 41-2-17, as presently adopted or hereafter amended are incorporated herein by reference.

§ 7-3-1. - PROGRAM--CREATION.

(a) There is hereby created and established within Augusta-Richmond County a Streetlighting Program.

(b) Pursuant to Constitutional authorization in 1970 Ga. Laws, p. 1097, the Augusta-Richmond County Commission is authorized and empowered to establish districts for the purpose of erecting, establishing, maintaining and operating within Richmond County streetlights and lamps for illumination of the public streets, roads, sidewalks and ways situated in said county. If at least fifty (50) percent of the property owners within the proposed district shall assent thereto, the Augusta-Richmond County Commission shall be further authorized to levy, assess and collect a tax or special assessment against the property located in said districts for the aforesaid purposes or make service charges against all businesses and residents served by said facilities as the Commission shall deem necessary for the services rendered, all without regard to uniformity. Such tax assessments shall be collected by the tax commissioner and may be enforced by the issuance of fi fa's or executions for said charges in the same manner and with the same lien dignity and priority as fi fa's or executions are issued for state and county taxes. Said Commission is further authorized to compel compliance with reasonable rules and regulations necessary for said services.

(c) Pursuant to 1995 Ga. Laws, p. 3648, the Augusta-Richmond County Commission is authorized to create special services tax districts and to assess, levy, and collect ad valorem taxes and collect service charges and fees for the provision of district services within a special services district only in accordance with the kind, character, type, and degree of district services provided by the Commission within such special services tax district. The provisions of this section shall control ad valorem taxation and the collection of service charges and fees for the provision of district services within special tax districts by the Commission. District services as used herein specifically includes streetlights as provided in Article 9, Section 2, Paragraph 3, of the Constitution of the State of Georgia. (Ord. # 6189, August 17, 1999)

§ 7-3-2. STREETLIGHT PROGRAM --RESPONSIBILITY.

The administrative responsibility for the program is hereby assigned to the traffic engineering division of the public works department of Augusta-Richmond County.

§ 7-3-3 STREETLIGHT COORDINATOR -- SECURING SERVICES.

The public works department is hereby authorized to secure the services of a competent and qualified person to assume the duties of streetlight coordinator.

§ 7-3-4. STREETLIGHT COORDINATOR -- DUTY TO RECOMMEND STANDARDS AND PROCEDURES.

(a) The coordinator shall recommend to the Augusta-Richmond County Commission such resolutions, standards and procedures that he deems desirable to implement the streetlighting program.

(b) The coordinator, after completion of any construction or maintenance authorized hereunder in any designated area, shall prepare and make up an assessment roll properly describing said improvements and how the owners of the abutting property are to be assessed with the total cost or any portion thereof, of any given project, and forward the same to the Augusta-Richmond County Commission for approval. Upon approval by the Augusta-Richmond County Commission, the assessment roll shall immediately be forwarded to the tax commissioner. In making assessments against the abutting property, the same shall be equitable and in portion to the street frontage to be served by said streetlights.

(c) The Augusta-Richmond County Commission, by resolution, shall designate a special service tax district, identifying the district boundaries and approving the assessment roll described in subparagraph (b) hereof.

§ 7-3-5. ASSESSMENT OF COST.

The annual cost and charges for the maintenance and operation of the streetlights shall be assessed on a street side footage basis per year to each property owner and shall be a lien upon the abutting property annually from January 1 next and continuing each year until all annual charges have been paid.

§ 7-3-6. STANDARDS FOR INSTALLATION AND OPERATION OF SYSTEM -- ADOPTION.

The American Standard Practice for Roadway Lighting as sponsored by the Illuminating Engineering Society and approved by the American Standards Association will be used as standards for installation and operation of street and roadway lighting in Augusta-Richmond County.

§ 7-3-7. STANDARDS FOR STREETLIGHTS--MANDATORY.

No lighting fixtures will be installed, operated or maintained within the rights-of-way of any public street, road, highway, alley or sidewalk within Augusta-Richmond County or affixed to any pole, standard or other supporting device which is located within rights-of-way, unless such fixture conforms as to location, installation, equipment, operation and maintenance to the roadway and streetlighting standard and procedures established in § 7-3-4. Fixtures located outside of the rights-of-way will be installed, operated and maintained in such a manner as to prevent light beams, patterns or glare from projecting on rights-of-way in such manner as to be a hazard to, or interfere with, the normal use of the public street, road or highway.(Ord. #6189, August 17, 1999).

§ 7-3-8. CONDITIONS.

The construction or maintenance of any streets, roads, sidewalks, curbs, stormwater systems and sewer systems in Augusta-Richmond County may be done by Augusta-Richmond County upon approval of the Augusta-Richmond County Commission when seventy-five (75) percent of the owners of the property abutting such improvements shall consent thereto and agree to be assessed for the cost thereof on a pro rata basis as provided for herein.

§ 7-3-9. REQUIRED DEVELOPMENT.

No construction or improvement of any streets, roads, sidewalks, or curbs in Augusta-Richmond County may be done by Augusta-Richmond County unless the property adjacent to the street, road, sidewalk or curb is eighty (80) percent developed. The required development herein shall be determined by the following formula: The front footage of all lots or parcels adjacent to the street, road, curb or sidewalk being installed or improved shall be totaled, and the total front footage of all lots or parcels shall be divided into the total front footage of all lots or parcels with improvements thereon to arrive at the percentage of development.

§ 7-3-10. ASSESSMENT OF COST.

The Augusta-Richmond County Commission assess the entire cost of such improvements, or any portion thereof, as determined by the Commission, against such abutting property owners; however, no assessment shall be made against the abutting property owners unless the same is consented to in writing by the owners of seventy-five (75) percent of the property abutting such improvements.

§ 7-3-11. CONSTRUCTION BY AUGUSTA-RICHMOND COUNTY OR BY CONTRACT.

The Augusta-Richmond County Commission, after determining the cost of such construction or maintenance to be done, including the cost of acquiring rights-of-way, if any are to be required, and all cost necessary therefor, including the cost of engineering, supervision and inspection, shall proceed to construct the same either by forces of the public works department or by contract, as the Commission deems best.

§ 7-3-12. COLLECTION OF ASSESSMENTS.

The Augusta-Richmond County engineer, after completion of any construction or maintenance authorized hereunder in any designated area, shall prepare and make up an assessment roll properly describing said improvements and how the owners of the abutting property are to be assessed with the total cost or any portion thereof, of any given project, and forward the same to the governing authority for approval. Upon approval of the Augusta-Richmond County Commission, the assessment roll shall immediately be forwarded to the collector of delinquent taxes for collection. In making assessments against the abutting property, the same shall be equitable and in proportion to the street frontage to be served by said improvements.

§ 7-3-13. LIENS; COLLECTOR OF DELINQUENT TAXES.

All assessments made hereunder shall be liens against the property abutting such streets, roads, sidewalks, curbs, stormwater systems or sewer systems from the date of the adoption of the resolution authorizing such improvements and the assessment of the cost for the same. A copy of each resolution as adopted by the Augusta-Richmond County Commission shall be forwarded by the clerk to the collector of delinquent taxes.

§ 7-3-14. DOCKET; PAYMENT OF ASSESSMENTS; EXECUTIONS.

A docket shall be kept by the director of delinquent taxes for listing the property owners and property and the amounts assessed thereon for construction and maintenance authorized hereunder. Said assessments shall be paid thirty (30) days from the date that the same is submitted to the property owner or in any other manner as provided for by the Augusta-Richmond County Commission. All delinquent assessments shall bear interest at the rate of nine (9) percent per annum. An execution shall issue for the collection of any delinquent assessments; and the same shall be signed by the chairman of the Commission, and shall be recorded on the general execution docket in the office of the clerk of superior court of Richmond County, and shall be collected by the delinquent tax collector as other fi.fa.'s, and in the event that the defendant in fi.fa. shall claim the amount thereof, or some part of same thereof is not owing, or that the same is proceeding illegally, he may file illegality thereto, and proceed thereon the same as provided for in case of tax fi.fa.'s.

§ 7-3-15. FL.FA.; PROPRIETY; TRANSFER.

All fi.fa.'s or executions issued hereunder shall be with the same lien, dignity and priority as fi.fa.'s or executions are listed for state and local taxes. Any if. fa. issued hereunder may be transferred or assigned and the property levied upon and sold under the rules governing judicial sales.

§ 7-3-16. AUGUSTA-RICHMOND COUNTY ROAD SYSTEM.

(a) All public roads, streets, avenues, drives, and other ways open to the public and intended or used for its enjoyment and for the passage of vehicles as defined by Georgia Laws 1973, pp. 947, 959, located in Augusta-Richmond County, as shown by recorded deeds of conveyance to the county, which are on file in the office of the Augusta-Richmond County engineer; and all said public roads shown by the county road register maintained by the Augusta-Richmond County engineer; and all said roads shown as county roads on the most recent map of public roads in the county prepared by the state department of transportation, collectively, are hereby designated as the county road system; and each said road or portion thereof is declared to be a part of the county road system as is provided in Georgia Laws 1973, pp. 947, 967.

(b) The county engineer shall notify the state department of transportation of this section and shall, as soon as practicable, submit any additions or deletions which may be necessary to conform the map and written record maintained by the department of transportation showing public roads in the county to reflect those roads which are hereby designated as the county road system.

§ 7-3-17. ADDING ROAD TO THE AUGUSTA-RICHMOND COUNTY ROAD SYSTEM.

Prior to the adding of any road to the Augusta-Richmond County road system, the following resolution shall be adopted by the Augusta-Richmond County Commission:

RESOLUTION ADDING ROAD TO THE AUGUSTA-RICHMOND COUNTY ROAD SYSTEM.

WHEREAS, [Road] is an existing Road in Augusta-Richmond County, Georgia open to public usage; and

WHEREAS, Augusta-Richmond County desires to make Road a part of its Road System.

NOW, THEREFORE, BE IT RESOLVED by the Augusta-Richmond County Commission that [Road] is hereby added to its official Road System of Record, being described as follows and as shown on the attached sketch map or plat showing the approximate alignment and location of said road:

(a) Points of beginning and ending:

Beginning at _____ and ending at _____.

(b) Length of road to nearest 1/10th mile: _____.

(c) Width and type of road surface: _____.

The Clerk of the Commission is hereby directed to forward a certified copy of this Resolution to: Georgia Department of Transportation, Office of Planning, Inventory Branch, 2 Capitol Square, Atlanta, Georgia, 30334.

Adopted this _____ day of _____, 19__.

/s/

MAYOR, Augusta-Richmond County

Commission

ATTEST:

/S/

CLERK, Augusta-Richmond County

Commission

§ 7-3-18. REQUIREMENTS.

No excavation shall be made within any public right-of-way (street, road, alley, lane or other public thoroughfare) of Augusta-Richmond County until the following requirements have been met:

- (a) A fifteen hundred dollar (\$1,500.00) bond with adequate security has been filed with Augusta-Richmond County in the office of the director of public works or a letter from a chartered state or national bank or savings and loan institution within the state, confirming an escrow deposit, by the contractor or applicant for the benefit of Augusta-Richmond County or a letter of credit from a chartered state or national bank or savings and loan institution within the state.
- (b) A letter and/or plans have been submitted to the director of public works or his representative giving the details regarding the proposed excavations and expected dates of the same.
- (c) A permit is obtained from the director of public works or his representative and posted on the job site.

**§ 7-3-19. NOTIFICATION OF THE DIRECTOR OF PUBLIC WORKS OR HIS REPRESENTATIVE;
COMPLETION OF WORK.**

The director of public works or his representative shall be notified at least twenty-four (24) hours prior to the beginning of the excavation, and all work shall be completed within seven (7) calendar days or an extension of time shall be secured in writing from the director of public works or his representative. A minimum of one (1) hour's advance notice during regular working hours (8:30 a.m. to 5:00 p.m.) shall be given prior to beginning any backfill operation. Any backfill accomplished without the minimum one-hour advance notice shall be removed in its entirety. The applicant must obtain permission from Augusta-Richmond County's inspector before placing concrete or asphalt.

§ 7-3-20. CONSTRUCTION STANDARDS.

Construction for all road cut excavations shall conform to the standard detail approved by the Augusta-Richmond County engineer, including as a minimum:

(a) Select backfill compacted in lifts no more than six (6) inches, loose measure, to at least ninety-eight (98) percent of the maximum dry density as determined by a standard proctor. No backfill work shall begin until all required materials, along with a mechanical compactor and competent operator for the compactor, are on the job site.

(b) Eight-inch-thick portland cement concrete, class "A" or better (minimum 611 pounds cement/cu. yd.) shall be placed twelve (12) inches wider, each side, than the excavated trench/ditch. All edges shall be squared. The concrete shall be protected until proper set is obtained.

(c) Final position of asphalt surface with saw cut edges to match the existing grade of the surrounding pavement after proper rolling.

§ 7-3-21. BLOCKING TRAFFIC; SIGNS.

No traffic shall be blocked at any time during construction unless approved as part of the permit and all required signs and state-certified flagmen are in place. All signs, barricades and flagmen shall be provided by the contractor at his expense, and placed as directed by the public works director or his representative.

§ 7-3-22. REPAIRS TO CUT PAVEMENT; COST.

Where pavement is cut, repairs to such pavement shall be made by the person, utility company or contractor who made the cut. Such repairs shall be made according to specifications approved by the public works director which shall be furnished to the person, utility company or contractor by said director. All cuts and repairs to cuts shall be made under the supervision of the public works director. The person, utility company or contractor shall pay as a fee the sum of ten cents per square foot on footage agreed upon by the commissioner of public works and the person, utility company or contractor, but not less than three dollars per cut. This fee shall be paid within thirty days after the cut is made, by the person or utility company making the cut and repairs, and shall be deposited to the credit of the department from which inspectors under the public works director are paid.

§ 7-3-23. FAILURE TO COMPLETE WORK.

In the event the contractor does not complete the excavation work within seven (7) days or within any extended time granted, or in a satisfactory manner, the director of public works or his representative shall have the work done with Augusta-Richmond County forces or by contract and shall bill the bonding company of the contractor at a rate twice the actual cost.

§ 7-3-24. EMERGENCY PERMITS.

Emergency permits may be obtained from the director of public works or his representative by telephone and must be verified in writing within twenty-four (24) hours by the contractor. All requirements contained herein shall apply to emergency permits (as deemed feasible by the director of public works or his representative).

§ 7-3-25. PENALTY FOR NONCOMPLIANCE.

Failure to comply with any section or subsection of this article, except as approved in writing by the director of public works or his representative, in advance, shall result in a fine of five hundred dollars (\$500.00) per day, with each day considered a separate violation. This fine is in addition to the cost of repairs as prescribed in § 7-4-22. Any company that violates this article will not have any further permits issued for additional work until all fines are paid and all outstanding repairs are completed.

§ 7-3-26. HEAVY EQUIPMENT ON RIGHT OF WAY.

This section shall cover any person, association, or business entity using heavy equipment (as hereinafter defined) on or over an Augusta-Richmond County road, right-of-way and/or easement in carrying out its business by loading, unloading and/or transporting materials of any nature, whether on the road surface or on the paved or unpaved portion of a right-of-way and/or easement (including ditches or embankments).

§ 7-3-27. DEFINITIONS.

As used in this article, the term:

(a) *Access site*. Any temporary or permanent roadway, drive, structure, fill or device, existing or constructed, that is used or employed for the purpose of crossing, traveling upon or using an Augusta-Richmond County road, right-of-way and/or easement.

(b) *Augusta-Richmond County right-of-way*. For the purpose of this Ordinance, the entire right-of-way of any road (as defined herein), including without limitation the shoulder, front slope, ditch, drain, back slope, facility or any appurtenance of such road.

(c) *Heavy equipment and vehicle*. Any and all motorized devices in, upon or by which any person, material or property may be transported or drawn, including without limitation semitrailers, trailers, tractors, and truck tractors, provided, however, that heavy equipment and/or vehicles being used for the control or extinguishing of fire and/or flood control shall be exempt from this statute.

(d) *Loading and/or unloading* shall be defined by their everyday meanings, but also shall include any activity known as harvesting or mining of any product or material.

(e) *Operations*. Those activities contemplated by this article, including without limitation the loading, unloading and/or transporting of raw materials such as stone, metal, timber, oil, fill dirt, produce and kaolin.

(f) *Operator*. Any individual, partnership, corporation, association or private organization of any character, including without limitation said operator's agents and employees, carrying out the activities contemplated by this article.

(g) *Road*. Any Augusta-Richmond County-owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.

§ 7-3-28. COMMENCEMENT OF OPERATIONS.

(a) All persons engaging in operations using heavy equipment or vehicles in excess of three (3) tons on or across an Augusta-Richmond County road, right-of-way and/or easement must provide in writing to the Engineering Services department the following information at least 48 hours before commencing said operations:

(1) the name, address, and phone number of the party which will be carrying on said operations;

(2) the approximate location of access site(s) to the road or the approximate location of the right-of-way(s) and/or easements affected;

(3) the date operations are to commence;

(4) the estimated date all operations will be completed; and

(5) the name of the title owner of the tract of land on which operations shall occur;

(b) provided, however, that any Operator using Augusta-Richmond County roads, right-of-ways and/or easements more frequently than once each month in the same location shall be required to:

(1) provide this information to the Engineering Services department once each three (3) months;

(2) allow monthly inspections by the Engineering Services department of its operations; and

(3) pay to the Engineering Services department a user impact fee of Fifty and no/100 Dollars (\$50.00) per inspection in connection with said inspections.

§ 7-3-29. PERFORMANCE STANDARDS.

(a) *Loading and/or unloading.* All loading and/or unloading shall be conducted at a site outside the Augusta-Richmond County right-of-ways and behind the established ditch line of Augusta-Richmond County roads and/or easements.

(b) *Ditches and drainage structures.* Ditches and drainage structures within 50 feet of an access site and/or right-of-way and/or easement shall be kept clear of debris, soil and residue at all times to allow for proper drainage. Culverts shall be installed at access sites and/or temporary entrances, as needed, to facilitate proper drainage flow. Culvert openings shall be as approved by the Engineering Services department.

(c) *Warning signs.* Any Operator engaging in operations as defined herein shall be required to post warning signs at least 500 feet on all approaches to the location of operations, adequately warning oncoming traffic of persons, heavy equipment, vehicles or machinery entering the area.

(d) *Roadway.* Operators shall be responsible for keeping Augusta-Richmond County roads, right-of-ways and/or easements serviceable and clear of debris, soil, mud and/or other materials at all times to allow for the safe passage of school buses, emergency vehicles, mail carriers, and traffic of the general public.

(e) *Notifications upon completion of operations.* No later than 48 hours after completion of operations, Operator shall give written notification of such completion to the Engineering Services department. Within eight (8) days of receiving said notification of completion, the Engineering Services department shall cause a site inspection to be made by a designated official of said department, and shall provide written notice to the Operator as to whether the site is in proper repair. Should said written notice not be provided by the Engineering Services department within a reasonable time period, Operator shall not be held responsible or liable under this article.

(f) *Determination of proper state of repair; Appeal of determination.* If it is determined by the Engineering Services department during operations that any Augusta-Richmond County road, right-of-way and/or easement, or any access site, is not in a proper state of repair, a written notification of said determination shall be issued to the Operator. Any Operator receiving notification that a site is not in a proper state of repair (whether said notification is received during or at the completion of operations) shall have ten (10) days to correct the site or to appeal the determination of the Engineering Services department to the Augusta-Richmond County Commission. Appeal shall be made by filing a notice of appeal with the Clerk of the Commission within said ten (10) day period. In the event of appeal, the Commission shall render a decision on the appeal at the next regular meeting of the Commission following receipt of the notice of appeal. The Commission may receive evidence on behalf of both the Operator and/or the Engineering Services department at the hearing of any appeal under this article.

(g) *Abatement; bonding requirement.* If repairs in accordance with subsection (f), above, are not made by Operator within ten (10) days of notification by the Engineering Services department, or within ten (10) days of a decision of the Commission adverse to the Operator, then the Commission shall cause the repairs to be made and shall tax the cost of the repairs against the Operator and the property in the same manner and under the same terms as the cost of other public improvements is taxed. The cost shall constitute a lien against the property, and the delinquent tax collector shall issue a fi.fa. in the name of the Augusta-Richmond County, acting by and through its Commission, for the cost, and, at the sole option of the Commission, levy the fi.fa. upon, and expose for sale, the property in the same manner as levies and sales under tax fi.fa.s are now executed. The Commission shall further require posting of a bond or letter of credit in an amount to be determined by the Commission after recommendation from the Engineering Services department for future operations on Augusta-Richmond County roads, right-of-ways and/or easements. Said bond will remain in force until the conclusion of operations with all access sites, roads, right-of-ways and/or easements being in satisfactory condition as prescribed by this Ordinance. At such time, said bond will be returned to Operator within ten (10) days.

§ 7-3-30. VIOLATION; PENALTY.

For all violations of this article besides failure to repair as addressed in subsections (f) and (g), above, the Engineering Services department shall make a case against the offending party and, upon trial and conviction, the offending party shall be punished as provided in § 1-6-1 of this Code.

§ 7-3-31. TITLE.

This Ordinance will be known as "Augusta, Georgia Soil and Erosion and Sedimentation Control Ordinance." (Ord. # 6362, April 3, 2001)

§ 7-3-32. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

(a) *Best Management Practices (BMP's)*. A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

(b) *Board*. The Board of Natural Resources.

(c) *Buffer*. The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

(d) *Commission*. The State Soil and Water Conservation Commission.

(e) *Cut*. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as *excavation*.

(f) *Department*. The Department of Natural Resources.

(g) *Developer*. Refers to the person or persons, corporation, or other business applying for a permit to undertake land-disturbing activity and performing development within the scope of this article.

(h) *Development*. Refers to any activity which would alter the elevation of the land, remove or destroy plant life, cause structure of any kind to be installed, erected, or removed, or a change of any kind from conditions existing as of the effective date of this Ordinance unless such activity is exempted under § 7-3-33.

(i) *Director*. The Director of the Environmental Protection Division of the Department of Natural Resources.

(j) *District*. The Brier Creek Soil and Water Conservation District.

(k) *Division*. The Environmental Protection Division of the Department of Natural Resources.

(l) *Drainage structure*. A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

(m) *Existing grade*. The vertical location of the existing ground surface prior to cutting or filling.

(n) *Erosion*. The process by which land surface is worn away by the action of wind, water, ice or gravity.

(o) *Erosion and Sediment Control Plan*. A plan for the control of soil erosion and sedimentation resulting from land-disturbing activity. Also known as the *plan*.

(p) *Fill*. A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

(q) *Finished grade*. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

(r) *Grading*. Altering the shape of ground surfaces to predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filling condition.

(s) *Ground Elevation*. The original elevation of the ground surface prior to cutting or filling.

(t) *Issuing authority*. The governing authority of any county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended or the Division in those instances where an application for a permit is submitted to the Division.

(u) *Land-Disturbing Activity*. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 6.

(v) *Metropolitan River Protection Act (MRPA)*. A state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

(w) *Mulching*. Refers to the application of plant or other suitable materials in the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

(x) *Natural ground surface*. The ground surface in its original state before any grading, excavation or filling.

(y) *Nephelometric Turbidity Units (NTU)*. Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

(z) *One Hundred Year Flood Plain*. Land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year.

(aa) *Permit*. The authorization necessary to conduct land-disturbing activity under the provisions of this article.

(bb) *Person*. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

(cc) *Planning Commission*. The Augusta-Richmond County Planning Commission.

(dd) *Project*. The entire proposed development project regardless of the size of the area of land to be disturbed.

(ee) *Roadway Drainage Structure*. A device such as a bridge, culvert or ditch composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

(ff) *Sediment*. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site origin by air, water, ice, or gravity as a product of erosion.

(gg) *Sedimentation*. The action or process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

(hh) *Soil and Water Conservation District Approved Plan*. An erosion and sedimentation control plan approved in writing by the Brier Creek Soil and Water Conservation District.

(ii) *Soil Erosion and Sediment Control Measures*. Refers to mechanical measures used to reshape the land to intercept, divert, convey, retard, or otherwise control runoff, including, but not limited to, land grading, bench terraces, subsurface drains, diversions, berms, storm sewers, outlets, waterway stabilization structures, lined channels, sediment and debris basin, and stream channel and bank stabilization; and vegetative measures to provide temporary cover to help control erosion during construction and permanent cover to stabilize the site after construction is complete.

(jj) *Soil Erosion and Sediment Control Plan or Plans*. Refers to the plan for the control of soil erosion and sedimentation resulting from land-disturbing activities.

(kk) *Stabilization*. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

(ll) *State waters*. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

(mm) *Structural Erosion and Sedimentation Control Practices*. Practices for the stabilization of erosive or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, diversions, grade stabilization structures, sediment traps, and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

(nn) *Trout streams*. All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

(oo) *Vegetative Erosion and Sedimentation Control Measures*. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

(pp) *Watercourse*. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which as a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

(qq) *Wetlands*. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

§ 7-3-33. EXEMPTIONS.

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (a) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "Mineral Resources and Caves Act";
- (b) Granite quarrying and land clearing for such quarrying.
- (c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion.
- (d) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens, turkeys; producing plants, trees, fowl, or animals, the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds.
- (e) Forestry and land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs, (15) and (16) of § 7-3-34(c) of this Ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.
- (f) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United State Department of Agriculture.
- (g) Any project involving one and one-tenth (1.1) acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within two hundred (200) feet of the bank of any state waters; and for purposes of this paragraph, *state waters* excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth (1.1) acres or less, which involves land-disturbing activity, and which is within two hundred (200) feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Issuing Authority from regulating any such project which is not specifically exempted by paragraphs (a), (b), (c), (d), (e), (f), (h), or (j) of this section.
- (h) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth in § 7-3-34(b) and (c) of this Ordinance; provided further that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb five or more contiguous acres of land shall be subject to provisions of code Section 12-7-7.1; and;
- (i) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in § 7-3-34(b) and (c).

Where this section requires compliance with the minimum requirements set forth in § 7-3-34 (b) and (c) of this Ordinance, issuing Authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations of permit holders.

§ 7-3-34. MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES.

(a) *General provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this Ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sediment control plans. Soil erosion and sediment control measures and practices shall conform to the minimum requirements of subparagraphs (b) and (c) of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

(b) Minimum requirements/ BMP's.

(1) Best management practices as set forth in subparagraphs (b) and (c) of this Ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph 2 of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issues pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection, the terms *proper design* and *properly designed* mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24 hour rainfall event.

(2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director.

(3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

(4) The Director may require, in accordance with the regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

(c) The rules and regulations, ordinances, or resolutions adopted pursuant to this Chapter for the purpose of governing land-disturbing activities shall require, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

(2) Cut-fill operations must be kept to a minimum;

(3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.

(6) Disturbed soil shall be stabilized as quickly as practicable.

(7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.

(8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.

(9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basin, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;

(10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

(11) Cuts and fills may not endanger adjoining property;

(12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any such case, that such crossings are kept to a minimum;

(14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subparagraphs (b) subsection (2) of this section of this Ordinance;

(15) Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, the buffers of at least 25 feet established pursuant to Part 6 of Article 5 of Chapter 5 of Title 12, of the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer;

No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is

achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetation cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed, provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(16) There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12 of the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: and

(d) Nothing contained in this article shall prevent an Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain requirements that exceed the minimum requirements in subparagraphs (b) and (c) of this section.

(e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this Ordinance or the terms of the permit.

§ 7-3-35. APPLICATION PROCESS.

(a) *General.* The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the Zoning Ordinance, Stormwater Management Ordinance, Subdivision Ordinances, this Ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Issuing Authority. However, the property owner is the only party that can obtain a permit

(b) Application requirements.

(1) No person shall conduct any land-disturbing activities within the jurisdictional boundaries of Augusta, Georgia without first obtaining a permit from the Augusta-Richmond County Planning Commission (the "Issuing Authority") to perform such activity.

(2) The application for a permit shall be submitted to the Augusta-Richmond County Planning Commission and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subparagraph (c) of this section of this Ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of § 7-3-34 (b) and (c) of this Ordinance. Applications for a permit will not be accepted unless accompanied by six (6) copies of the applicant's soil erosion and sedimentation control plans.

(3) A fee, in the amount of up to, but not exceeding, three thousand dollars (\$3000.00).

(4) Immediately upon receipt of an application and plan for a permit, the Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District and any variances required by § 7-3-34(c)(15), (16) and bonding, if required as per paragraph (5) below, have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.

(5)

a. If a permit applicant has had two (2) or more violations of previous permits, this Ordinance, or the Erosion and Sedimentation Act, as amended within three (3) years prior to the date of the filing of the application under consideration, the Issuing Authority may deny the permit application.

b. The Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding three thousand dollars (\$3,000.00) per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this Ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an Ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Issuing Authority with respect to the alleged permit violations.

(c) Plan requirements.

(1) Plans must be prepared to meet the minimum requirements as contained in § 7-3-34 (b) and (c) of this Ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the "Manual for Erosion and Sediment Control in Georgia" published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering

practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this Ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws.

(2) *Data Required for Site Plan.*

- a. Narrative notes and other information; notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
- b. Description of existing land use at project site and description of proposed project.
- c. Name, address, and phone number of the property owner.
- d. Name and phone number of twenty-four-hour local contact who is responsible for erosion and sediment controls.
- e. Size of project, or phase under construction, in acres.
- f. Activity schedule; show anticipated starting and completion dates for project. Include the statement in bold letters, that ***the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.***
- g. Stormwater and sedimentation management systems' storage capacity, hydrologic study, and calculations, including off-site drainage area.
- h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
- i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the "Manual for Erosion and Sedimentation Control in Georgia".
- j. Maintenance statement: "Erosion and sedimentation control measures will be maintained at all times. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by on-site inspection.

(3) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain:

- a. Graphic scale and north point or arrow indicating magnetic north.
- b. Vicinity maps showing location of project and existing streets.
- c. Boundary line survey.
- d. Delineation of disturbed areas within project boundary.
- e. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, feet
1 inch = 100 ft. or larger scale	Flat 0 - 2 %	0.5 or 1
	Rolling 2 - 8%	1 or 2
	Steep 8 % +	2.5 or 10

f. Adjacent areas and features areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.

g. Proposed structures or additions to existing structures and paved area.

h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.

i. Delineate the specified horizontal buffer along designated trout streams, where applicable.

j. Location of erosion and sedimentation control measures and practices using coding symbols from the "Manual for Erosion and Sediment Control in Georgia", Chapter 6.

(4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(5) Plot plans for single family homes on individual lots shall illustrate the best management practices the contractor will implement during construction to prevent soil erosion and damage to adjoining properties as a result of erosion; the plot plan shall illustrate positive storm water drainage to an existing storm water structure; and the plot plan shall illustrate the method for permanently stabilizing the disturbed soil upon completion of construction.

The following shall be illustrated on residential plot plans.

a. Contractors name.

b. Street name and property address.

c. Lot dimensions drawn to scale.

d. All drainage and utility easements.

e. Existing drainage swales.

f. Footprint of building.

g. Building setback dimensions.

h. Best management practices to be implemented:

1. Sediment barriers.
2. Proposed drainage swales.
3. Construction exit.

4. Maintenance.

i Positive storm water drainage from the lot to an existing storm water structure, direction of flow to be indicated by arrows. Existing storm water structure includes paved streets, drainage structure inlets, drainage ditches, and swales.

j How disturbed soils will be permanently stabilized.

k 100-Year floodplain data.

l Existing structures on property.

(d) Permits.

(1) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Issuing Authority of a completed application, providing variances and bonding obtained, where necessary. Permits for residential construction on individual lots shall be issued or denied as soon as practicable by the License and Inspection Department.

(2) No permit shall be issued by the Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this Ordinance, any variances required by section § 7-3-34(c)(15) and (16) are obtained, bonding requirements, if necessary, as per subparagraph (b) subsection(5b) of this section are met and all ordinances and rules and regulations in effect within the jurisdiction boundaries of the Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(4) The permit may be suspended, revoked or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(5) No permit shall be issued unless the applicant provides a statement by the Richmond County Tax Commissioner certifying that all ad valorem taxes levied against the property and due and owing have been paid.

§ 7-3-36. INSPECTION AND ENFORCEMENT.

(a) The Augusta Public Works and Engineering Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance.

(1) Residential Construction of Individual Lots: The License and Inspection Department will inspect for compliance with this Ordinance for residential construction on individual lots. If a project is deemed not to be in compliance with the approved plot plan, the contractor will be issued a written notice to comply with the approved plot plan. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the contractor engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter.

(b) The Augusta Public Works and Engineering Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

(c) No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials; nor shall any persons obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(d) The District or the Commission, or both, shall periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). The Districts or Commission, or both, may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

(e) The Division may periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the District and the Governing Authority. If such review indicates that the Governing Authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(d), the Division shall notify the Governing Authority of the county or municipality in writing. The Governing Authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as an Issuing Authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the Division, the Division may revoke the certification of the county or municipality as an Issuing Authority.

§ 7-3-37. PENALTIES AND INCENTIVES.

(a) *Failure to obtain a permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.

(b) *Stop-work orders.*

(1) For the first and second violations of the provisions of this Ordinance, the Director of the Issuing Authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Director of Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

(2) For a third and each subsequent violation, the Director or Issuing Authority shall issue an immediate stop-work order; and;

(3) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

(c) *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance and, in addition to other penalties, shall be deemed to have forfeited his Performance Bond, if required to post one under the provisions of § 7-3-35(b)(5b). The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

(d) *Monetary Penalties.*

(1) Except as provided in paragraph (2) of this subsection, any person who violates any provisions of this Ordinance, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent trying cases brought as violations of this Ordinance under county ordinances approved under this Ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(2) The following penalties shall apply to land-disturbing activities performed in violation of any provision of this Ordinance, any rules or regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to

this Ordinance;

a. there shall be a minimum penalty of \$250.00 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy; and;

b. there shall be a minimum penalty of \$1,000.00 per day for each violation involving land-disturbing activities other than as provided in subsection (a) of this paragraph.

§ 7-3-38. ADMINISTRATIVE APPEAL; JUDICIAL REVIEW.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with conditions of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Augusta-Richmond County Commission within thirty (30) days after receipt by the Issuing Authority of written notice of appeal.

(b) *Judicial review.* Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal *denovo* to the Superior Court of Richmond County, Georgia.

§ 7-3-39. EFFECTIVITY, VALIDITY, AND LIABILITY.

(a) *Effectivity* This ordinance shall become effective on the 3rd day of April, 2001.

(b) *Validity*. If any section, paragraph, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this Ordinance.

(c) *Liability*.

(1) Neither the approval of a plan under the provisions of this Ordinance, nor the compliance with provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Issuing Authority or District for damage to any person or property.

(2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Ordinance or the terms of the permit.

(3) No provision of this Ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the State as defined thereby.

§ 7-3-40. STATEMENT OF PURPOSE.

Soil erosion and sediment deposition onto lands and into waters in Augusta, Georgia are occurring as a result of land clearing, excavation, filling, grading, and construction activities. Such erosion and sediment deposition results in pollution of Augusta, Georgia waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses.

This Ordinance provides rules and regulations for excavation, filling, and grading activities within Augusta, Georgia and provides for administration and enforcement of said rules and regulations.(Ord. # 6166, June 1, 1999).

§ 7-3-41. DEFINITIONS.

Unless the context otherwise requires, the following terms, as used in this Ordinance, are defined as follows:

Excavation - mechanical removal of earth material.

Fill - the deposit of earth material placed by artificial means.

Grading - any excavation or filling or combination thereof.

§ 7-3-42. EXEMPTIONS.

No excavation, filling, or grading shall be conducted within Augusta, Georgia , except for those activities as provided below, without first securing a permit as required by this Ordinance. The following activities are exempted from the provisions of this Ordinance.

Minimum land disturbing activities such as house gardens, and individual home landscaping, repairs, maintenance work and other related activities;

Agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting (where stumps are not removed), farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings;

Projects carried out under the technical supervision of the Soil Conservation Service of the U.S. Department of Agriculture;

Excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure;

Cemetery graves;

Approved refuse disposal sites controlled by other regulations;

Excavations for wells or tunnels or utilities;

Approved mining, quarrying, excavation, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stress in or pressure upon any adjacent or contiguous property;

Exploratory excavations under the direction of soil engineers or engineering geologists.

§ 7-3-43. PERMIT PROCEDURES.

(a) Except as exempted in § 7-3-42, no person shall do any excavation, filling, or grading without first obtaining a grading permit from the Augusta-Richmond County Planning Commission. A separate permit shall be required for each site.

(b) Where a new single family residential building is to be immediately constructed or where a manufactured home is to be placed on a parcel, an individual plot plan pursuant to the Soil Erosion and Sediment Control Ordinance § 7-3-35 (b) (1) shall be provided and reviewed by the License and Inspections Department before a building permit is issued for a single family residential building or before a certificate of occupancy is issued for a manufactured home.

(c) To obtain a permit for a residential lot in an approved subdivision where grading is to be conducted but a home is not to be immediately constructed, the applicant shall phone or visit the Augusta-Richmond County Planning Commission to obtain a permit number. Information required for each residential grading site shall be:

(1) Lot number, block number, subdivision name, tax parcel number (if available) and street address or similar description that will readily identify and locate the proposed grading activity;

(2) Lot owner;

(3) Contractor performing the grading activity;

(4) Name, address and phone number of person making the application;

(5) Estimated start and completion dates.

In all other areas, to obtain a permit for grading activities where no new building construction (residential or commercial) is immediately imminent, the applicant shall submit a Grading Plan per the requirements of § 7-3-44 of this Code.

(d) A Site Plan will also be required for commercial development not specifically exempted in § 7-3-42. The Augusta-Richmond County Planning Commission staff shall review each application for a Site Plan under this Ordinance, and determine whether said application is in conflict with other Ordinances of the Augusta-Richmond County Code, such as those relative to Zoning, Subdivision of Land, Soil Erosion and Floodplain Management. Unless exempted elsewhere in this Ordinance, a Grading Plan will be required.

(e) Site activity involving land disturbance greater than 1.1 acre shall also be required to submit a Soil Erosion Sediment Control Plan per the provisions of § 7-3-31 et seq. of the Augusta-Richmond County Code

(f) A Site Plan/Grading Plan/Soil Erosion Plan will be reviewed by the appropriate reviewing agencies for compliance with Augusta-Richmond County Code and a grading permit will be issued upon approval from said reviewing agencies.

§ 7-3-44. GRADING PLAN REQUIREMENTS

(a) Grading Plans shall be drawn to scale no smaller than one inch equals 100 feet. Where large sites are being planned, they may be drawn on one or more sheets. No drawing shall exceed 36 inches by 48 inches in size.

(b) The following information shall be included on each Grading Plan:

(1) Name of development

(2) Owner (name, address, and telephone number)

(3) Developer (name, address and telephone number)

(4) Date plan drawn, and revision dates as applicable

(5) Seal and signature of a registered engineer

(6) North arrow with reference

(7) Scale (no less than 1" = 100')

(8) Tax parcel number

(9) Zoning classification

(10) Use and zoning of all adjacent parcels with owner(s) name(s)

(11) Existing and proposed elevations referenced to mean sea level, with a contour interval of 2 feet, accurate to one-half contour to indicate surface drainage patterns

(12) Source of datum (benchmark used: GS benchmark, if available), and location of BM or TBM at the site

(13) Existing pavement width and right-of-way width of any existing streets adjacent to the development and distances to nearest intersection

(14) Acreage of property to be developed

(15) Location sketch (scale no less than 1" = 2000')

(16) Heavy outline of 100 year flood plain and note thereof. Any disturbances within flood plain limits must comply with the City Flood Ordinance. If the property is not in a 100 year flood plain then write a note stating that.

§ 7-3-45. PLACARD.

(a) No placard is required for residential lots in an approved subdivisions; however a permit number is required per the phone-in procedures listed elsewhere in this Ordinance.

(b) When a Site Plan application is approved pursuant to this Ordinance, a placard shall be presented to the applicant illustrating the permit number, name of the applicant and the location and description of the permitted activity. Such placard shall be provided free of charge and shall be placed on the site in a conspicuous place visible from nearby streets or roads before work commences.

§ 7-3-46. INSPECTION AND REVOCATION.

The City Engineer shall be responsible for inspecting or requiring inspection of work being performed under the requirements of this Ordinance. Permits issued under the provisions of this Ordinance may be suspended, revoked or modified upon a finding that the activity of the holder is not consistent with information provided in his permit application.

§ 7-3-47. ENFORCEMENT.

It shall be the duty of the City Engineer to enforce the provisions of this Ordinance within Augusta, Georgia. This enforcement shall be in the manner and form with the powers provided in the Laws of the State and in the Augusta-Richmond County Code. Violations of the provisions of this Ordinance shall be called to the attention of the County Attorney, who shall immediately institute injunctions, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such violations. Any property owner who may be damaged by any violation of this Ordinance may also institute such action. Any person or corporation, whether as principal, agent, employee, or otherwise, who violates any provision of this Ordinance shall be guilty of an offense and upon conviction shall be punished as provided in Augusta-Richmond County Code § 1-6-1.

§ 7-3-48. LICENSE REQUIRED.

Contractors or builders conducting excavation, grading, and filling projects in Augusta, Georgia that are not exempted under the provisions of this Ordinance shall comply with § 2-1-1 et seq. of the Augusta-Richmond County Code.

§ 7-3-49. CONFLICT WITH OTHER LAWS.

No provision of this Ordinance shall authorize any person to violate, or to pollute any waters of the State of Georgia as defined by any provisions of the "Water Quality Control Act" (Georgia Laws, 1964, p. 416), as now or hereafter amended, or the rules and regulations promulgated and approved thereunder nor shall this Ordinance release any person from legal obligations embodied in any other Federal, State or Local laws or ordinances.

§ 7-3-50. APPEAL PROCEDURE.

Any person aggrieved by a decision or order of the issuing authority to the requirements of this Ordinance shall first present the grievance to the issuing authority for a hearing within thirty days (30) of the decision or order and lacking a satisfactory settlement shall then have the right to appeal de novo to the Superior Court of Richmond County. Appeals to Superior Court must be filed within thirty (30) days of the date of the decision of the issuing authority; and upon failure to file said appeal within thirty (30) days, the decision of the issuing authority shall be final.

§ 7-3-51. SEVERABILITY.

Any clause or provision of this Ordinance declared invalid shall not affect the validity of the Ordinance as a whole or any part thereof.

§ 7-4-1. PURPOSE.

The historical, cultural and architectural heritage of Augusta-Richmond County is among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. Therefore, in order to stimulate revitalization of the business districts and historic neighborhoods of Augusta-Richmond County, and to protect and enhance local historical, cultural, and architectural attraction to tourists and thereby promote and stimulate business; in order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; in order to promote the reuse and recycling of existing building stock in Augusta-Richmond County and thereby conserve increasingly scarce landfill space and valuable natural resources.

The Augusta-Richmond County Commission hereby declares it to be the purpose and intent of this Chapter to establish a uniform procedure for the protection, enhancement, and perpetuation of places, districts, buildings, structures, objects, landscape features and works of art having a historical, cultural or architectural interest or value.

§ 7-4-2. DEFINITIONS.

(a) *Certificate of appropriateness.* A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

(b) *Exterior architectural features.* The architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, roofing and other appurtenant architectural features, details or elements relative to the foregoing.

(c) *Exterior environmental features.* All those aspects of the landscape or the development of a site which affect the historical character of the property.

(d) *Historic district.* A geographically definable area designated by the Commission as a historic district pursuant to the criteria established in § 7-4-13 of this Chapter.

(e) *Historic property.* An individual building, structure, site, object or work of art, and may include the adjacent area necessary for the proper appreciation thereof, designated by the Commission as a historic property pursuant to the criteria established in § 7-4-14 of this Chapter.

(f) *Material change in appearance.* A change that will affect the exterior architectural or environmental features of any building, structure, site, object, landscape feature or work of art within a historic property or within a historic district, such as:

(1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

(2) Demolition or relocation of a historic structure;

(3) Commencement of excavation for construction purposes;

(4) A change in the location of advertising visible from the public right-of-way;

(5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

§ 7-4-3. CREATION.

There is hereby created a commission whose title shall be *The Augusta-Richmond County Historic Preservation Commission*, hereinafter referred to as *Historic Preservation Commission*.

§ 7-4-4. MEMBERS--APPOINTMENT; QUALIFICATIONS; TERMS AND COMPENSATION.

(a) The Commission shall consist of ten (10) members (plus an additional two members should the Richmond County Delegation choose to appoint two members) to be appointed for four (4) year terms. All members shall be residents of Augusta-Richmond County. Nominations shall be solicited from the Board of Trustees of Historic Augusta, Inc. from at-large community recommendations.

(b) To the extent available, at least five (5) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, historic preservation or related disciplines. The remaining members may be nonprofessionals, but must have demonstrated special interest, experience or education in regional history, historic architecture or the preservation of historic resources.

(c) Except as provided herein, members of the City of Augusta Historic Preservation Commission and members of the Richmond County Historic Preservation Commission who were serving on said commissions on January 1, 1997, all having had their terms expire, shall serve until their successors are appointed and qualified. Two of the existing members shall have their terms terminate on March 31, 1997.

(d) The following members of said Commissions shall continue to serve until their successors are appointed by the Commissioner representing the respective District, and qualified, and are to represent the districts as herein set forth, to wit:

(1) Isaac Johnson District 1

(2) Addie Powell District 2

(3) Carl Drennon District 3

(4) Brian Halterman District 4

(5) Paul Gonzalez District 5

(6) William Dozier District 6

(7) Pat Blanchard District 7

(8) James Carter District 8

(9) Al Cheatham District 9

(10) Thomas Robertson District 10

(e) The successors to the members representing Districts 1, 3, 5, 7, and 9 shall serve until April 1, 1998, or until their successors are appointed and qualified.

(f) The successors to the members representing Districts 2, 4, 6, 8, and 10 shall serve until April 1, 2000, or until their successors are appointed and qualified.

(g) Members of the Historic Preservation Commission appointed by the Commissioner of the respective Districts to succeed those appointed in subsection (e) and (f) hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(h) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointing authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(i) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(j) Members shall not receive a salary, although they may be reimbursed for expenses.

(k) Members who fail to attend three (3) consecutive Historic Preservation Commission meetings will forfeit their seat upon the Commission. Commission By-Laws may provide for the conditions of excused absence from Commission meetings.

(l) In the event that vacancies upon the Historic Preservation Commission for any period of time remain unfilled, a Historic Preservation Commission consisting of six (6) or more members may exercise all powers delegated to the Historic Preservation Commission under this Chapter, until the vacancies are filled.

§ 7-4-5. STATEMENT OF POWERS.

The Historic Preservation Commission shall be authorized to:

- (a) Prepare and maintain an inventory of all property within Augusta-Richmond County, Georgia, having the potential for designation as a historic property. This inventory may be maintained in conjunction with Historic Augusta, Inc. or an independent organization with similar purposes;
- (b) Recommend to the Commission specific places, districts, sites, buildings, structures, objects or works of art to be designated by ordinance as historic properties or historic districts;
- (c) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Chapter;
- (d) Recommend to the Commission that the designation of any place, district, site, building, structure, object or work of art as a historic property or as a historic district be revoked or removed;
- (e) Restore or preserve any historic properties owned by Augusta-Richmond County, Georgia as authorized by Commission;
- (f) Promote the acquisition of facade easements and conservation easements by the Commission in accordance with the provisions of the *Facade and Conservation Easements Act of 1976*, as amended (O.C.G.A. §§ 44-10-1 through 44-10-5);
- (g) Conduct educational programs on historic properties located within Augusta-Richmond County, Georgia and on general historic preservation activities;
- (h) Make such investigations and studies of matters relating to historic preservation, including consultation with historic preservation experts, as the Commission or the Historic Preservation Commission itself may, from time to time, deem necessary or appropriate for the purposes of this Chapter;
- (i) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the Commission concerning the most appropriate uses of any funds acquired;
- (j) Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic properties or historic districts designated;
- (k) Perform historic preservation activities as the official agency of the Augusta-Richmond County historic preservation program.
- (l) Employ and compensate persons, as authorized by Commission, to carry out responsibilities of the Historic Preservation Commission;
- (m) Elect from among its members, a member or members to carry out responsibilities of the Commission;
- (n) Receive donations, grants, funds or gifts of historic property and acquire and sell historic properties on behalf of the Commission. In regard to such historic property, the Commission shall not obligate the Historic Preservation Commission

without prior consent;

(o) Review the nomination of historic properties or historic districts to the National Register of Historic Places and Georgia Register of Historic Places and make comments upon such nominations to the Historic Preservation Section of the Department of Natural Resources;

(p) Participate in private, state and federal historic preservation programs and with the consent of the Commission enter into agreements to do the same;

(q) Advise the appropriate officials of the Augusta-Richmond County Fire Department as to the utilization of *alternative compliance concepts* for historic properties pursuant to O.C.G.A. §§ 8-2-200 through 8-2-222 and O.C.G.A. § 25-2-13 where these code sections have been made applicable to historic properties in Augusta-Richmond County. Said advice will ensure that compliance with state and local fire prevention laws is accomplished while maintaining the highest degree of historic integrity in affected historic properties;

(r) Issue Citations for violations of this Chapter;

(s) Petition the appropriate court to enjoin actions in violation of this Chapter;

(t) Institute any other appropriate action to enforce compliance with the terms of this Chapter;

(u) Exercise all other powers implicit or explicit in any other provision of this Chapter.

§ 7-4-6. POWER TO ADOPT RULES AND STANDARDS.

The Historic Preservation Commission shall adopt rules and standards for the transaction of its business, for consideration of applications for designations and certificates of Appropriateness, including, By-laws, membership provisions, and design guidelines. The Historic Preservation Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Historic Preservation Commission shall select such officers as it deems appropriate from among its members. The Chairman of the Historic Preservation Commission shall be entitled to vote upon any issue, motion or resolution, as any other member. (Ord. # 5971, October 21, 1997)

§ 7-4-7. CONFLICT OF INTEREST.

At any time the Historic Preservation Commission is to undertake any official action which will affect a monetary or other vested interest of a member of the Historic Preservation Commission, that member shall reveal the existence of that interest to the Historic Preservation Commission at the next meeting thereof after the member becomes aware of the conflict of interest and shall abstain from voting on that matter. The ownership of property by a Historic Preservation Commission member within a proposed historic district containing twenty-five or more separately-owned parcels of property shall not be such an interest as to invoke the prohibitions of this Section.

At any time the Historic Preservation Commission reviews a project in which a member of the Historic Preservation Commission has an ownership or other vested interest, that member shall be forbidden, as a Commission member, from voting or discussing the project, other than answering a direct question.

§ 7-4-8. HISTORIC PRESERVATION COMMISSION'S AUTHORITY TO RECEIVE FUNDING FROM VARIOUS SOURCES.

The Historic Preservation Commission shall have the authority to accept donations and shall insure that these funds do not displace appropriated governmental funds.

§ 7-4-9. RECORDS OF HISTORIC PRESERVATION COMMISSION MEETINGS.

A public record shall be kept of the Historic Preservation Commission's resolutions, proceedings and actions. This public record may consist of an ordinary tape recording or from time to time, at the discretion of the Commission, may be supplemented by the use of a court reporter or such other written record as the Commission may establish.

§ 7-4-10. ATTENDANCE OF LAW ENFORCEMENT OFFICER AT HISTORIC PRESERVATION COMMISSION MEETINGS.

An officer of the Richmond County Sheriff's Department shall be in attendance at Historic Preservation Commission meetings, at the behest of the Commission, in order to assure the orderliness of the proceedings.

§ 7-4-11. DUTIES OF COMPTROLLER.

The Augusta-Richmond County comptroller shall provide the Historic Preservation Commission with the necessary tax information to facilitate the purposes of this Chapter and shall see that this information is kept current.

§ 7-4-12. PRELIMINARY RESEARCH BY COMMISSION.

(a) The Historic Preservation Commission may compile and collect information and conduct surveys of historic resources within Augusta-Richmond County.

(b) The Historic Preservation Commission may present to the Commission recommendations for the designation of historic districts and properties.

(c) Prior to the Historic Preservation Commission's recommendation of a historic district or historic property to the Commission for designation, the Historic Preservation Commission shall prepare a report consisting of:

(1) a physical description;

(2) a statement of the historical, cultural, and/or architectural significance of the proposed historic district or historic property, except that such statement of significance will not be required in the case of a historic property or district already listed upon the National Register of Historic Places, or upon the Georgia Register of Historic Places;

(3) a map showing the proposed historic district boundaries and the classification (i.e. contributing/historic, contributing/non-historic, noncontributing) of individual properties therein, or a map showing the boundaries of the proposed historic property;

(4) a statement justifying historic district or individual historic property boundaries, except that such statement in justification will not be required if such proposed boundaries are the same as those embraced within the listing of the district or property upon the National Register of Historic Places or Georgia Register of Historic Places; and

(5) representative photographs. (Ord. 5927, May 19, 1997)

§ 7-4-13. DESIGNATION OF A HISTORIC DISTRICT.

(a) *Criteria for selection of historic districts.* A historic district is a geographically definable area which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:

(1) have special character or historic, cultural or architectural, value or interest;

(2) represent one or more periods, styles or types of architecture typical of one or more eras in the history of Augusta-Richmond County or the state or region;

(3) cause such area, by reason of such factors, to constitute a visibly perceptible section of Augusta-Richmond County;

(4) a district, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic district under this ordinance.

(b) *Boundaries of a historic district.* The boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of Augusta-Richmond County, Georgia. Said boundaries, as depicted on said map, shall constitute the official description of said historic districts for the purposes of this Chapter and for the purposes of the separate ordinances designating such districts.

In the event that the official zoning map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic district, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic district. In this case the map so identified by the Commission shall constitute the official description of said historic district for the purposes of this Chapter and for the purposes of the separate ordinance designating such district.

(c) *Evaluation of properties within historic districts.* Individual properties within historic districts shall be classified as:

(1) contributing/historic (contributes to the district in terms of design, historical association, and/or setting);

(2) contributing/non-historic (a property less than fifty years old which compliments and does not detract from the overall character of the district in terms of design, historical association, and/or setting);

(3) non-contributing (a property which detracts from the district in terms of design, style, building type, historical association, and/or setting). (Ord. 5927, May 19, 1997)

§ 7-4-14. DESIGNATION OF A HISTORIC PROPERTY.

(a) *Criteria for selection of historic properties.* A historic property is a building, structure, site, object or work of art which may include the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation for reason of value to Augusta-Richmond County, the State of Georgia, or this Geographical region, for one of the following reasons:

(1) it is an outstanding example of a structure representative of its era;

(2) it is one of the few remaining examples of past architectural style;

(3) it is a place or structure associated with an event or person of historic or cultural significance to Augusta-Richmond County, Georgia, or to the state, region or nation;

(4) it is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Augusta-Richmond County, Georgia, or of the state, region or nation;

(5) a property, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic property.

(b) *Boundary description.* A description of the boundaries shall be included in the separate ordinances designating such properties and the boundaries shall be depicted on the official Zoning Map of Augusta-Richmond County, Georgia. Said boundaries, as depicted on said map, shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinances designating such properties.

In the event that the official Zoning Map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic property, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic property. In this case the map so identified by the Commission shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinance designating such property. (Ord. 5927, May 19, 1997)

§ 7-4-15. REQUIREMENTS FOR ADOPTING AN ORDINANCE FOR THE DESIGNATION OF HISTORIC DISTRICTS AND HISTORIC PROPERTIES.

(a) *Application for designation of historic districts or historic property.* Designations may be proposed by the Commission, the Historic Preservation Commission or:

(1) for historic districts - a preservation organization, historical society, neighborhood association or group of property owners may apply to the Commission for designation;

(2) for historic properties - a preservation organization, historical society, neighborhood association or property owner may apply to the Commission for designation.

(b) *Required components of an ordinance.* Any ordinance designating any property or district as historic shall:

(1) describe the area encompassed within the proposed historic district or describe the proposed individual historic property;

(2) reference the name(s) of the owner(s) of the designated property or properties as shown on the official Augusta-Richmond County tax records at the time of the adoption of the ordinance. In the event that the official tax records, for whatever reason, do not encompass the property or properties proposed for designation, the record owner(s) of the property, as determined by a title investigation conducted to appropriate legal standards under Georgia law, shall be referenced;

(3) require compliance with the provisions of this Chapter; and

(4) require that the property or district be shown on the official zoning Map of Augusta-Richmond County, Georgia, or such other official map as identified by the Commission pursuant to § 7-4-13 or 7-4-14 hereof.

(c) *Required public hearing and notices.* The Historic Preservation Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties that are affected. This notice: (i) shall contain the time and place for the hearing, (ii) shall reference this Chapter, (iii) shall describe the fact that the establishment of a historic district or historic property pursuant to this Chapter has been proposed, and (iv) shall generally describe the area encompassed by the historic district or historic property proposed. All such notices shall be published or mailed not less than fifteen (15) days nor more than forty-five (45) days prior to the date set for the public hearing. A notice sent via the United States mail to the last owner of record of the property shown on the official Augusta-Richmond County tax records or record owner of the property, and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Chapter.

(d) *Recommendations on proposed designations.* A recommendation to adopt, to adopt in modified form, or to reject the proposed ordinance shall be made by the Commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the Commission.

(e) *Commission action on Commission recommendation.* Following receipt of the Historic Preservation Commission's recommendation, the Commission may adopt the ordinance as proposed, reject the ordinance, or, after consultation with the Commission, may adopt the ordinance with any modifications it deems necessary.

(f) Notification of the State Historic Preservation Section. Prior to making a recommendation on any ordinance designating a property or district as historic, the Historic Preservation Commission may transmit the report required at § 7-4-12 of this Code to the Historic Preservation Section of the Georgia Department of Natural Resources.

(g) Notification of adoption of ordinance for designation. Within thirty (30) days following the adoption of the ordinance for designation by the Commission, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, and all building contractors licensed in Augusta-Richmond County, shall be given written notification of such designation by the Commission, which notice shall apprise said owners, occupants, and contractors of the necessity of compliance with this Chapter and specifically, the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via United States Mail to the last known owner of the property shown on the official Augusta-Richmond County tax records and, where different from the address of such record tax owner, a notice sent via United States Mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Chapter. Building contractors, licensed in Augusta-Richmond County shall similarly be notified as aforesaid, but failure of such building contractor to be sent such notice shall in no way affect the validity of an ordinance for designation.

(h) Notification of other agencies regarding designation. The Historic Preservation Commission shall notify all affected agencies within Augusta-Richmond County of the ordinance for designation, as well as the local neighborhood, historical and preservation organizations. Failure of such agencies or organizations to receive such notification shall in no way affect the validity of such ordinance for designation.

(i) Moratorium on applications for alteration or demolition while ordinance for designation is pending. If the procedure for the designation of an historic district or historic property has been initiated as provided for in this Section, the Commission shall have the power to recommend to the Building Inspector a moratoria on the issuance of building permits and demolition permits involving the property or properties proposed for designation.

(j) Authority to rescind designation. The Commission has the authority to rescind the ordinance designating a historic district or historic property following receipt of a recommendation from the Commission, provided that a public hearing has been held by the Historic Preservation Commission, prior to the Commission's recommendation, providing the opportunity for public comment. Notification for such public hearing shall be the same as provided for in § 7-4-15 hereof. (Ord. 5927, May 19, 1997)

§ 7-4-16. APPROVAL OF ALTERATIONS OR NEW CONSTRUCTION IN HISTORIC DISTRICTS OR INVOLVING HISTORIC PROPERTIES.

After the designation by ordinance of a historic property or of a historic district, no material change in the exterior appearance of a structure, site, object or work of art within such historic property or property within such historic district, shall be made or be permitted to be made unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission.

§ 7-4-17. APPROVAL OF NEW CONSTRUCTION WITHIN DESIGNATED DISTRICTS.

The Historic Preservation Commission shall issue Certificates of Appropriateness for new structures constructed within designated historic districts or upon the grounds of a designated historic property if these structures conform in design, scale, building materials, setback and landscaping to the character of the historic district or property or as specified in the design criteria once developed or adopted by the Commission.

§ 7-4-18. GUIDELINES AND CRITERIA FOR CERTIFICATES OF APPROPRIATENESS.

When considering applications for Certificates of Appropriateness impacting existing buildings, the Secretary of the Interior's *Standards for Historic Preservation Projects* including the Secretary's *Standards for Rehabilitation*, as revised as of the date of application for a Certificate of Appropriateness, shall be used as a criteria for design review along with any other standards or design review guidelines once developed or adopted by the Commission for use in reference to specific historic districts or historic properties. When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its membership on any application, within approved budgetary limitations.

§ 7-4-19. ISSUANCE OF BUILDING AND DEMOLITION PERMITS.

Building Permits And Demolition Permits must not be issued until the issuing official has examined the official Historic District and Historic Property Map to see if the property is affected by historic designation. If the property is so affected, the issuing authority must direct the applicant to the Commission to apply for a Certificate of Appropriateness. The subsequent issuance of a Building Permit or Demolition Permit shall be contingent upon the obtention of a Certificate of Appropriateness for the proposed change.

§ 7-4-20. SUBMISSION OF PLANS TO COMMISSION.

An application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the Historic Preservation Commission. Applications involving demolition or post-relocation shall be accompanied by post-demolition or relocation plans for the site. The Historic Preservation Commission shall not require that the plans and specifications be prepared by professionals, but only that such documentation be prepared in such a way as to be easily understood by the Commission members.

§ 7-4-21. ACCEPTABLE COMMISSION REACTION TO APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.

(a) The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the historic or architectural significance, integrity, and value of the historic property or property within a historic district. In making this determination, the Historic Preservation Commission shall consider the factors described in §§ 7-4-17 and 7-4-18 above, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.

(b) The Historic Preservation Commission shall deny a certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the historical or architectural significance, integrity and value of the historic property or property within the historic district, based upon those same factors as described in § 7-4-21 (a) above.

§ 7-4-22. HEARINGS ON APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS, NOTICES, AND RIGHT TO BE HEARD.

At least fifteen (15) days and no more than forty-five (45) days prior to the review of a Certificate of Appropriateness, the Commission shall take action as follows to inform interested parties, and shall give the applicant and interested parties an opportunity to be heard at the Historic Preservation Commission meeting where the request for a Certificate of Appropriateness is to be considered:

(a) The Historic Preservation Commission shall cause a sign to be posted upon the parcel of property subject of the application at least fifteen (15) days before the meeting of the Historic Preservation Commission where the application is to be considered, said sign to remain in place substantially until the time of said meeting. Said sign shall state:

(1) the fact that an application for a Certificate of Appropriateness pursuant to the Historic Preservation ordinance has been filed for the posted property;

(2) the name of the applicant; and

(3) the time and place of the Historic Preservation Commission meeting where the application is to be considered. The sign may contain such other information as the Historic Preservation Commission may deem appropriate. The overall design and size of such sign shall be of such character as to be likely to attract the eye of passersby.

(b) At its discretion, the Historic Preservation Commission may, in its bylaws, or on a case by case basis, undertake to provide such other notice as it deems appropriate.

§ 7-4-23. INTERIOR ALTERATIONS.

In review of applications for Certificates of Appropriateness, the Historic Preservation Commission shall not consider interior arrangement, use or decoration, having no effect on exterior architectural features, whether or not visible from the exterior of the structure.

§ 7-4-24. TECHNICAL ADVICE.

When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its members on any application and within approved budgetary limitations.

§ 7-4-25. DEADLINE FOR APPROVAL OR REJECTION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

(a) The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property or structure, site, object or work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the commission. Notice of the issuance or denial of A Certificate of Appropriateness shall be sent via United States Mail to the applicant.

(b) Failure of the Historic Preservation Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

§ 7-4-26. NECESSARY ACTIONS TO BE TAKEN BY COMMISSION UPON REJECTION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

(a) In the event the Historic Preservation Commission rejects an application for a Certificate of Appropriateness, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons in writing to the applicant. The Historic Preservation Commission may suggest alternatives it believes would ensure approval if it disapproves of the application as submitted. The applicant, if he or she so desires, may make modifications to the plans and, after making such modifications, may re-submit the application at any time after doing so. Rejected applications, unless modified in a good faith effort to comply with the provisions of this Chapter and the findings of the Historic Preservation Commission, may not be re-submitted for one (1) year following rejection.

(b) In cases where the application for a Certificate of Appropriateness concerns a proposed change in a structure which would require the obtention of a building permit, the rejection of the application for a Certificate of Appropriateness by the Historic Preservation Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

§ 7-4-27. UNDUE HARDSHIP.

Where, by reason of unusual circumstances, the strict application of any provision of this Chapter would result in exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Chapter. An undue hardship shall not be a situation of the person's own making.

§ 7-4-28. REQUIREMENT OF CONFORMANCE WITH CERTIFICATE OF APPROPRIATENESS.

(a) All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(b) Where this ordinance would require the obtention of a Certificate of Appropriateness and work upon a structure is undertaken without a Certificate of Appropriateness having been obtained, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(c) Work which constitutes a violation of § 7-4-28 (a) or (b) above or the failure to obey a cease and desist order issued pursuant to this Chapter shall constitute a separate and continuing violation of this Chapter.

(d) The Commission or the Historic Preservation Commission shall be authorized to institute any appropriate action or proceeding in any court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or property within a historic district, not made in compliance with the provisions of this Chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(e) The Commission, including its various departments, authorities, commissions, committees and boards, shall be bound by the requirements of this article.

§ 7-4-29. CERTIFICATE OF APPROPRIATENESS VOID IF WORK NOT COMMENCED.

A Certificate of Appropriateness shall become void unless work is commenced within six (6) months of the date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable.

§ 7-4-30. RECORDING OF APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

The Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Commission's proceedings in connection with said applications in the fashion provided at § 7-4-22 above.

§ 7-4-31. FEE TO ACCOMPANY AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS.

The Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness.

§ 7-4-32. APPEALS.

Any person affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Commission. Any such appeal must be filed with the Clerk of Commission within fifteen (15) days after the issuance of the determination pursuant to § 7-5-25 (a) of this Chapter or, in the case of a failure of the Historic Preservation Commission to act, within fifteen (15) days of the expiration of the forty-five (45) day period allowed for Historic Preservation Commission action pursuant to § 7-5-25 (b) of this Chapter. The Commission may affirm the determination made by the Historic Preservation Commission, or if the Commission finds that the Historic Preservation Commission abused its discretion in reaching its decision, the Commission may modify or reverse the determination made by the Commission. Appeals from decisions of the Commission may be taken to the Superior Court of Richmond County, Georgia in the manner provided by law.

§ 7-4-33. APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

The Historic Preservation Commission shall have the authority to approve, approve with conditions, or deny Certificates of Appropriateness for demolition or relocation. The proposed demolition or relocation of all or any portion of a historic property or property within a historic district shall require the obtention of a Certificate of Appropriateness for demolition or relocation.

§ 7-4-34. PUBLIC HEARING.

A public hearing shall be scheduled for each application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-35. NOTICE OF PUBLIC HEARING PURSUANT TO AN APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

Notice as provided for at § 7-4-22 above shall be provided in the context of an application for a Certificate of Appropriateness for demolition or relocation, and, in addition, notice of such public hearing containing the information as described at § 7-4-22 above shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County not less than five (5) nor more than thirty (30) days prior to the date set for the public hearing.

§ 7-4-36. VIOLATION.

The demolition or relocation of a historic property, or property within a historic district without the obtention of a Certificate of Appropriateness shall constitute a violation of this Chapter of a high and aggravated nature.

§ 7-4-37. CONSIDERATION OF POST-DEMOLITION OR POST-RELOCATION PLANS.

The Historic Preservation Commission shall not grant Certificates of Appropriateness for demolition or relocation without having first reviewed the post-demolition or post-relocation plans for the site.

§ 7-4-38. DEMOLITION/RELOCATION CRITERIA.

Upon receipt of an application for a Certificate of Appropriateness for demolition or relocation, the Historic Preservation Commission shall apply the criteria described in § 7-4-18 of this Chapter to determine whether to grant or deny the application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-39. FEE TO ACCOMPANY APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

The Historic Preservation Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-40. BINDING UPON THE COMMISSION.

The Commission, including its various departments, authorities, commissions, committees and boards shall be bound by the requirements of this article.

§ 7-4-51. ORDINARY MAINTENANCE OR REPAIR.

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property or property within a historic district to correct deterioration, decay or damage, or to sustain the existing form, that does not involve a material change in design, materials or outer appearance thereof, does not require a Certificate of Appropriateness, and may be undertaken once approved by the designated staff person for the Commission without consultation with the Historic Preservation Commission. Any person considering a change to a historic building that is believed to constitute no more than ordinary maintenance or repair must consult the designated staff person to assure that in fact such change constitutes merely ordinary maintenance and repair. In the absence of the employment of a designated staff person, such approvals may be made by a member or members of the Historic Preservation Commission duly elected by the members of the Historic Preservation Commission. Ordinary maintenance includes exterior painting and/or a change in exterior paint color, and does not require a Certificate of Appropriateness or approval by the designated staff person.

§ 7-4-52. FAILURE TO PROVIDE ORDINARY MAINTENANCE OR REPAIR.

Owners of historic properties or of properties within a historic district shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding such deterioration by neglect:

(a) The Historic Preservation Commission shall have the authority to monitor the condition of historic properties and properties within a historic district to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.

(b) In the event the Historic Preservation Commission determines that there has been a failure to provide ordinary maintenance or repair, the Historic Preservation Commission will notify the owner of the property and set forth the steps necessary to comply with the provisions of this Section. The owner of such property will have thirty (30) days in which to comply.

(c) In the event conditions in violation of this Section are not remedied in thirty (30) days after notice pursuant to § 7-4-52 (b) above, such will constitute a continuing violation of this Chapter and in addition, the Historic Preservation Commission shall have the authority, with the approval of Commission, to perform such maintenance or repair as is necessary to prevent such deterioration. The owner of the property shall be liable for the cost of such maintenance and repair performed at the direction of the Commission and such liability shall constitute a lien upon the property as provided by law.

§ 7-4-53. AFFIRMATION OF EXISTING BUILDING AND ZONING CODES.

Nothing in this Chapter shall be construed as to exempt property owners from complying with existing building and zoning codes of Augusta-Richmond County.

§ 7-4-61. CERTIFIED LOCAL GOVERNMENT PROGRAM.

The Historic Preservation Commission shall at least annually monitor compliance with all certified Local Government Program requirements and take or recommend such steps as may be necessary to have Augusta-Richmond County qualify and remain qualified as a certified Local Government pursuant to various state or federal government requirements.

§ 7-4-62. SEVERABILITY.

In the event that any section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional, such declaration or adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Chapter, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

§ 7-4-63. AMENDMENTS.

This Chapter may be amended by the Commission upon recommendation by the Historic Preservation Commission. No amendment shall become effective unless such recommendation shall be made by the Historic Preservation Commission, or until the Historic Preservation Commission has had an opportunity to review the amendment upon the direction of Commission and has made a recommendation concerning the proposed amendment.

§ 7-4-64. TEMPORARY PROVISION FOR HPA (HISTORIC PRESERVATION AREA) ZONES EXISTING UNDER PRIOR LAW.

Notwithstanding any provision herein to the contrary, HPA (Historic Preservation Area) Zones which existed as of December 31, 1995 pursuant to City of Augusta ordinance no. 5648 shall continue to exist and enjoy the protection of such prior law, until the redesignation of said HPA zones as historic districts or historic properties pursuant to the provisions of this Chapter, but in no event shall the provisions of said prior law continue in force beyond the effective date of this Chapter for any purpose. Upon the adoption of this Chapter and the appointment and confirmation of a Historic Preservation Commission pursuant to Article 2 above, said Commission shall succeed to all the rights, powers, and duties of the Historic Preservation Commission created pursuant to City of Augusta Ordinance No. 5648.

§ 7-4-65 MAINTENANCE OF DETENTION/RETENTION PONDS.

(a) Maintenance by landowner required. No owner of any property or parcel of land within Augusta-Richmond County on which there exists or may be established a detention pond and/or a retention pond, shall permit or allow debris to be dumped or materials to be piled therein, nor permit or allow grass, weeds, vines, underbrush or other growth to grow or accumulate therein, so as to constitute an unclean, unhealthy, unsanitary, unsightly, dangerous or offensive condition, or so as to render such pond incapable of serving its purpose of detaining water.

(b) *Abatement.* Whenever the public works department discovers that the provisions of subsection (a) above are being violated, it shall give the owner, his agent or other representative fifteen (15) days written notice by mail, directed to his last-known address, that the condition must be remedied within 15 days, and that if, after the expiration of the fifteen-day period, the condition is not remedied, the public works department shall cause the necessary work to be done and tax the cost of the work against the owner and the property in the same manner and under the same terms as the cost of other public improvements is taxed. The cost shall constitute a lien against the property and the delinquent tax collector shall issue a fi.fa., in the name of Augusta-Richmond County, acting by and through its Commission-Council, for the cost, and levy the fi.fa. upon the property in the same manner as levies under tax fi.fa.s are now executed.

(c) Violation; penalty. In addition to causing the condition of the property to be remedied as authorized in subsection (b), above, in the event that the condition is not remedied by the owner at the expiration of fifteen (15) days, the public works department shall make a case against the offending party and upon trial and conviction, the offending part shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of sixty (60) days.

(d) *Commercial/industrial detention/retention ponds.* As of the effective date of this ordinance, Augusta-Richmond County shall not accept ownership and maintenance responsibilities, through deed of dedication or otherwise, for any detention/retention ponds constructed in connection with commercial and/or industrial properties. Said owners shall be responsible for maintenance of said ponds in accordance with subsection (a) of this section.

§ 7-4-66. VIOLATION; PENALTIES.

Any person or corporation, whether a principal, agent, employee, or otherwise who violates any provision of this Chapter or who violates any court order issued pursuant to this Chapter, shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished as provided in § 1-6-1 of this Code. Each day any violation of any provision of this Chapter or violation of any court order issued pursuant to this Chapter persists shall constitute a separate offense and continuing violation of this Chapter.